

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
December 3, 1986 to June 30, 1987  
Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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ted to the State as provided by section 5903.

The county shall, until a budget is finally adopted, operate on an interim budget which shall not exceed the previous year's budget.

The county commissioners may transfer funds as provided in section 252.

**Sec. 2.** 30 MRSA §1455, sub-§6, as enacted by PL 1985, c. 806, is amended to read:

6. Final budget approval. Before January 15th of the fiscal year for which the budget is prepared, the budget committee shall submit the proposed budget to the Legislature. The Legislature shall approve or disapprove the budget as submitted before ~~April 1st~~ May 1st of each year.

If the Legislature disapproves of the budget, the budget committee shall submit, within 15 calendar days, new budget proposals in accordance with subsection 1 and the provisions of this section shall be followed until a budget is finally approved.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 13, 1987.

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## CHAPTER 48

S.P. 378 — L.D. 1143

### AN ACT Relating to the Debt Limits which may be incurred by a Municipality for Water Purposes.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 30, section 5061, may be interpreted to impose a limit of 3% of full state valuation on the power of municipalities to incur debt for water purposes; and

Whereas, it appears that the limitation is so low as to prevent otherwise unencumbered municipalities from providing for the needs of their residents to secure municipal water supplies; and

Whereas, flood damage caused by recent rainstorms of unprecedented size has made emergency repair and rebuilding of certain systems immediately necessary; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

**30 MRSA §5061, first ¶,** as amended by PL 1981, c. 322, §9, is further amended to read:

No municipality ~~shall~~ may incur debt which would cause its total debt outstanding at any time, exclusive of debt incurred for school purposes, for storm or sanitary sewer purposes, for energy facility purposes or for municipal airport purposes to exceed 7 1/2% of its last full state valuation. A municipality may incur debt for school purposes to an amount outstanding at any time not exceeding 10% of its last full state valuation, for storm or sanitary sewer purposes to an amount outstanding at any time not exceeding 7 1/2% of its last full state valuation, and for municipal airport, ~~water~~ and special district purposes to an amount ~~oustanding~~ outstanding at any time not exceeding 3% of its last full state valuation; provided, however, that in no event ~~shall~~ may any municipality incur debt which would cause its total debt outstanding at any time to exceed 15% of its last full state valuation.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 13, 1987.

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## CHAPTER 49

H.P. 104 — L.D. 114

### AN ACT to Provide a Trade-in-credit for Camper Trailers.

Be it enacted by the People of the State of Maine as follows:

**Sec. 1.** 36 MRSA §1752, sub-§22 is enacted to read:

22. Camper trailer. "Camper trailer" has the same meaning as in section 1481, but without any restriction on length.

**Sec. 2.** 36 MRSA §1764, as amended by PL 1975, c. 317, §2, is further amended to read:

#### §1764. Tax against certain isolated transactions

The tax imposed by chapters 211 to 225 shall be levied upon all isolated transactions involving the sale of camper trailers, motor vehicles or aircraft excepting those sold for resale, and excepting an isolated transaction involving the sale of camper trailers, motor vehicles or aircraft to a corporation when the seller is the owner of a majority of the common stock of ~~such~~ the corporation.

**Sec. 3.** 36 MRSA §1765, sub-§§5 and 6, as enacted by PL 1985, c. 519, are amended to read:

5. Lumber harvesting vehicles. Self-propelled vehicles used to harvest lumber; or

6. Chain saws. Chain saws; or

Sec. 4. 36 MRSA §1765, sub-§7 is enacted to read:

7. Camper trailers. Camper trailers.

Effective September 29, 1987.

## CHAPTER 50

S.P. 50 — L.D. 99

### AN ACT Relating to Passing Stopped School Buses.

Be it enacted by the People of the State of Maine as follows:

29 MRSA §2019, sub-§5, as repealed and replaced by PL 1977, c. 78, §168, is repealed and the following enacted in its place:

5. Penalty. A violation of this section is a Class E crime which, notwithstanding Title 17-A, section 1301, is punishable by a \$250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's license for a 2nd offense occurring within 3 years of the first offense.

Effective September 29, 1987.

## CHAPTER 51

S.P. 311 — L.D. 913

### AN ACT to Provide a Base-year Budget Correction Adjustment for Hospital Financial Requirements.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain Maine hospitals that reasonably expended more than they had budgeted for their base years may require an immediate increase in revenues in order to meet their current obligations and continue to provide care of acceptable quality; and

Whereas, the Maine Health Care Finance Commission cannot provide for those increases in revenues under current law; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the pub-

lic peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §396-D, sub-§9-A is enacted to read:

9-A. Base-year budget adjustment. In determining financial requirements for the 3rd payment year, or any subsequent payment year, the commission upon application of a hospital, may elect to make a base-year budget correction adjustment as follows:

A. An adjustment under this subsection shall be based upon a determination of the excess of:

(1) The applicant hospital's actual audited Medicare allowable costs for its base year, adjusted to conform to the definition of base-year financial requirements established in accordance with section 396-A; and

(2) Its base-year financial requirements determined in accordance with section 396-B.

B. In determining the amount of the excess upon which an adjustment may be based, the commission:

(1) Shall consider the extent to which other adjustments have been made under this section for changes that occurred during the base year; and

(2) Shall adjust the amount determined under subsection A to reflect the impact, determined by means of the economic trend factor established in accordance with subsection 1, of inflation from the base year through the payment year prior to the year for which an adjustment has been requested.

C. The commission shall make an adjustment for all or part of the excess determined in accordance with paragraphs A and B, to the extent that the commission finds that the adjustment is in the public interest. In determining whether the adjustment is in the public interest and, if so, in what amount the adjustment shall be made, the commission shall consider the following factors, as well as any other factors pertinent to the findings and purposes set forth in section 381:

(1) The hospital's justification for exceeding its budget as approved by the voluntary budget review organization;

(2) The hospital's costs, volume and intensity of services as compared to other comparable hospitals;

(3) The hardship to the hospital in the absence of treatment under this section; and

(4) The impact on quality and accessibility to health care.