

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

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

(2) Additional information is required by the department. If, after receipt of the applicant's response to the 2nd first or any subsequent request, the department determines that additional information is required, the notification shall also include a statement of the basis and rationale for that determination.

4. Review of incomplete application. Upon receipt of the 3rd 2nd or any subsequent notice described in subsection 3, paragraph C, subparagraph 2, the applicant must notify the department in writing that:

A. It will provide the additional information requested by the department. Following completion, it shall be entered into the next review cycle; or

B. That it is not able to or does not intend to provide the information requested and requests the application be entered into the next appropriate review cycle. In that case, the applicant shall be prohibited from submitting the information it had declined to provide into the record after the 25th day of the review cycle and the information shall not be considered in the determination to issue or to deny a certificate of need. If the applicant provides the information requested prior to the 25th day of the review cycle, the application may, at the discretion of the department, be returned to the beginning of the review cycle. Failure to submit additional information requested by the department may result in an unfavorable recommendation and may result in subsequent denial of the application by the department, as long as the denial is related to applicable criteria and standards.

Sec. 4. 22 MRSA §308, sub-§2, ¶A, as amended by PL 1985, c. 418, §12, is repealed.

Sec. 5. 22 MRSA §308, sub-§5 is enacted to read:

5. Provision for expedited administrative reviews. The department shall promulgate rules by January 1, 1988, to create a procedure for administrative reviews for at least the replacement of major medical equipment.

Sec. 6. 22 MRSA §309, sub-§6, as amended by PL 1985, c. 661, §6, is further amended to read:

6. Hospital projects. Notwithstanding subsections 1, 4 and 5, the department may not issue a certificate of need for a project which is subject to the provisions of section 396-D, subsection 5, and section 396-K, if the associated costs exceed the amount which the commission has determined will have been credited to the Certificate of Need Development Account pursuant to section 396-K, after accounting for previously approved projects. A project shall not be denied solely on the basis of exceeding the amount remaining in the Certificate of Need Development Account or Hospital Development Account in a particular payment year and shall be held for further consideration by the department in the first ap-

propriate review cycle beginning after the Certificate of Need Development Account or Hospital Development Account is credited with additional amounts. Projects which are carried forward shall compete equally with newly proposed projects. For the purposes of this subsection, a project may be held for a final decision beyond the time frames set forth in section 307, subsections 3 and 4.

Sec. 7. 22 MRSA §321, as enacted by PL 1977, c. 687, §1, is amended to read:

§321. Penalty

Whoever violates any provision of this chapter or any rate, rule or regulation established hereunder shall be subject to a civil penalty payable to the State of not more than \$5,000 to be recovered in a civil action. The department may hold these funds in a special revenue account which shall be used only to support certificate of need reviews, such as for hiring expert analysts on a short-term consulting basis.

Effective September 29, 1987.

CHAPTER 437

S.P. 42 — L.D. 37

AN ACT to Honor former Governor
Joseph E. Brennan.

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

Sec. 1. 2 MRSA §1, as amended by PL 1985, c. 693, §1, is further amended to read:

§1. Residence; office hours; secretary; salary

The Governor shall have his official residence at Augusta during his term of office, and shall keep his office at the State House open for the transaction of the business of the State during all normal working hours of the State House.

In the absence of the Governor, his private secretary shall be in attendance and the private secretary shall devote his entire time to the duties of his office.

Until the first Wednesday of January 1987, the Governor shall receive an annual salary of \$35,000. Beginning the first Wednesday of January 1987, the Governor shall receive an annual salary of \$70,000.

The annual salary of the Governor shall be reviewed in the 3rd year of each gubernatorial term in office by the State Compensation Commission.

A former Governor may accept as a personal gift from the State at the end of his final term the desk and chair used by that Governor as Governor.

Sec. 2. Application. This provision shall apply to former Governor Joseph E. Brennan and all his successors.

Effective September 29, 1987.

CHAPTER 438

H.P. 329 — L.D. 428

AN ACT to Establish the Maine Court Facilities Authority.

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

Sec. 1. 4 MRSA c. 33 is enacted to read:

CHAPTER 33

MAINE COURT FACILITIES AUTHORITY

§1601. Short title

This chapter shall be known and may be cited as the "Maine Court Facilities Authority Act."

§1602. Maine Court Facilities Authority; members; compensation

1. Establishment; membership. The Maine Court Facilities Authority is created as a body corporate and politic and a public instrumentality and agency of the State. The exercise by the authority of powers conferred by this chapter shall be considered to be the performance of essential governmental functions. The authority shall consist of 5 members, one of whom shall be the Treasurer of State, serving as an ex officio, voting member, and 4 other members who shall each serve for a term of 5 years and shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government and confirmation by the Legislature. Any member of the authority may be removed by the Governor for cause. In the event of vacancy occurring in the membership, the Governor shall appoint a replacement member for the remainder of that term. Any member of the authority shall be eligible for reappointment.

A. The initial appointed members of the authority shall be appointed in a manner to stagger the terms of the members. Of the initial 4 appointed members, one shall be appointed to a term of 2 years; one shall be appointed to a term of 3 years; one shall be appointed to a term of 4 years; and one shall be appointed to a term of 5 years.

2. Oath. Each member of the authority before commencing his duties shall take an oath to administer the duties of his office faithfully and impartially and that oath shall be filed in the office of the Secretary of State.

3. Officers; quorum. The authority shall elect from its membership a chairman, a vice-chairman, a secretary and a treasurer. Three members of the authority shall constitute a quorum and the vote of 3 members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority may impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

4. Compensation. Each member of the authority shall be compensated in accordance with Title 5, chapter 379. Each member of the authority shall be indemnified by the authority against expenses actually and necessarily incurred by him in connection with the defense of any action or proceeding in which he is made a party by reason of his being or having been a member of the authority, and against any final judgment rendered against him in that action or proceeding.

§1603. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Act. "Act" means the Maine Court Facilities Authority Act.

2. Authority. "Authority" means the Maine Court Facilities Authority as established by this Act.

3. Bonds. "Bonds" means any bonds of the Maine Court Facilities Authority issued pursuant to this Act.

4. Cost. "Cost," as applied to a project, projects or part of any project, includes, but is not limited to:

A. The purchase price or acquisition cost of any such project, projects or part of any project;

B. The cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement and remodeling;

C. The cost of all labor, materials, machinery and equipment;

D. The cost of all lands, structures, real or personal property, rights, easements, interests and franchises acquired;

E. The cost of all utility extensions, access roads, site development, financing charges, premiums for insurance, interest prior to and during construction and for 6 months after construction;

F. The cost of working capital related to the project, projects or part of any project;

G. The cost of plans and specifications, surveys and estimates of cost and of revenues;