

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

panel shall prepare and submit reports to the Governor, the President of the Senate, the Speaker of the House, the State Board of Optometry and the State Board of Registration in Medicine. The reports shall summarize the findings of the panel regarding the use of therapeutic pharmaceutical agents and shall be signed by all members of the panel. A report shall be submitted on the following dates: June 30, 1988; January 30, 1989; June 30, 1989; and January 30, 1990.

7. Budget. All expenses of this panel shall be paid by the State Board of Optometry and the State Board of Registration in Medicine on an equal basis. The panel shall submit to the Board of Optometry its budgeting requirements in the manner and time prescribed by that board.

8. Sunset. This section is repealed on May 15, 1990.

Sec. 16. 32 MRSA §2431-A, sub-§2, ¶O, as enacted by PL 1983, c. 378, §30, is amended to read:

O. Failure to display a diagnostic or therapeutic drug license issued under ~~section 2427~~ section 2419-A or 2425; or

Sec. 17. 32 MRSA §2441, as enacted by PL 1973, c. 788, §156, is amended to read:

§2441. Penalties

Whoever engages in the practice of optometry in this State, without first having been duly registered as provided in sections 2421 and 2424, ~~shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50~~ \$250 nor more than ~~\$200~~ \$1,000. To open an office for the purpose of practicing optometry or to announce to the public in any way an intention to practice optometry in any county in the State shall be prima facie evidence of engaging in the practice of optometry within the meaning of this section.

Sec. 18. 32 MRSA §2446, as amended by PL 1977, c. 564, §121, is further amended to read:

§2446. Drugs

Any optometrist who uses ~~diagnostic drugs pharmaceutical agents~~, without first having obtained a license under ~~section 2427 or being duly registered as provided in section 2421 and 2424 after October 1, 1975,~~ 2419-A shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$200.

The board further reserves the right to review performances and remove a therapeutic drug license, as outlined in section 2431-A or if the licensee fails to comply with the requirements in section 2426.

Sec. 19. Allocation. The following funds are allocated from Other Special Revenue Funds to carry out

the purposes of this Act.

1987-88 1988-89

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Therapeutic Pharmaceutical Monitoring Panel

Personal Services	\$1,100	\$1,100
All Other	1,000	1,000
Total	<u>\$2,100</u>	<u>\$2,100</u>

Effective September 29, 1987.

CHAPTER 440

H.P. 222 — L.D. 290

AN ACT to Address Productivity and Wage Adjustments for Hospitals, to Sunset the Maine Health Care Finance Commission and to Establish a Blue Ribbon Commission to Study the Regulation of Health Care Expenditures.

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

Whereas, the Commission to Study the Regulation of Health Care Expenditures needs to begin its work immediately; 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:

Sec. 1. 3 MRSA §507, sub-§10, ¶B, as amended by PL 1985, c. 695, §3; PL 1985, c. 763, Pt. A, §7; and PL 1985, c. 764, §1, is repealed and the following enacted in its place:

B. Unless continued or modified by law, the following Group G-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1990. The Board of Emergency Municipal Finance, the Finance Authority of Maine and the Maine Municipal Bond Bank shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1990:

- (1) Board of Emergency Municipal Finance;
- (2) Finance Authority of Maine;
- (3) Maine Municipal Bond Bank;

- (4) State Liquor Commission;
- (5) Capitol Planning Commission;
- (6) State Board of Property Tax Review;
- (7) Maine Vocational-Technical Institute System;
- (8) Maine Commission for Women; and
- (9) Maine Human Rights Commission.

Sec. 2. 22 MRSA §396-D, sub-§6, as enacted by PL 1983, c. 579, §10, is repealed and the following enacted in its place:

6. Productivity. For payment years commencing on or after October 1, 1987, the commission may increase or decrease the financial requirements of any hospital to conform to reasonable standards of efficiency, productivity or cost per comparable admission, established by the commission on a statewide basis or for groups of comparable hospitals.

A. Standards established under this subsection may include a range of variation within which no adjustment will be made.

B. In developing standards, the commission shall consider the special needs and circumstances of small hospitals.

C. In making an adjustment under this subsection, the commission shall consider any evidence offered by a hospital to show that its variance from the standards is unavoidable or necessary to maintain the accessibility of quality hospital care to those it serves.

Sec. 3. 22 MRSA §396-D, sub-§9, ¶E is enacted to read:

E. The commission shall include an adjustment to financial requirements for increases in costs of compensation for professional medical personnel, including nurses and certified nurses aides, to the extent that a hospital demonstrates that such increases are reasonably necessary to retain or recruit such personnel, that such increases are in excess of the increases attributable to the compensation proxy included in the economic trend factor, that the hospital has passed on the value of the compensation cost proxy in past years and that the hospital will experience economic hardship without additional funds. Economic hardship means an excess of noncapital operating expenses over noncapital financial requirements. In determining this adjustment, the commission shall consider the current labor market conditions affecting the hospital and the hospital's compensation rates in relation to those of other similarly situated hospitals. Those adjustments may be made during the course of a payment year.

Sec. 4. 22 MRSA §400 is enacted to read:

§400. Sunset of the Maine Health Care Finance Commission

Unless continued or modified by law, the Maine Health Care Finance Commission is terminated effective October 1, 1989. If the Maine Health Care Finance Commission is terminated October 1, 1989, the commission shall have a grace period not to extend beyond October 1, 1990, in which to complete its duties. During the grace period, termination shall not reduce or otherwise limit the powers of authority of the commission.

Sec. 5. Commission created and charged. There is established the Commission to Study the Regulation of Health Care Expenditures. The goals of the health care system include the provision of quality care, the accessibility to care and the affordability of care. This study shall recommend the most appropriate form of health care regulation necessary to ensure these goals are met. The study shall include, but need not be limited to, an evaluation of the current and anticipated market for health care services, the current methods and impending trends in the financing and delivery of health care, the current and anticipated environment for health care delivery systems and various methods of regulating health care and health care expenditures, including, but not limited to, the present regulatory system under the Maine Health Care Finance Commission.

Sec. 6. Appointment. The commission shall consist of 17 members, appointed in the following manner: The Governor shall appoint one representative of the business community; one representative of labor; one consumer representative; one representative from the Department of Human Services; one representative of a commercial health insurer; one representative of non-profit hospital and medical service organizations; one representative of a large hospital; one representative of a medium size hospital; one representative of a small hospital and one representative of a for-profit hospital. The Maine Health Care Finance Commission shall designate one representative. The President of the Senate and the Speaker of the House shall jointly appoint one representative of a large hospital, one representative of a medium size hospital and one representative of a small hospital. The President of the Senate shall appoint one member of the Senate and the Speaker of the House shall appoint 2 members of the House of Representatives. The appointments shall be made within 30 days of the effective date of this Act. Those appointing members of the commission shall notify the Chairman of the Legislative Council of their selections or appointments.

Sec. 7. Convening of commission. When the appointment of all commission members is completed, the Chairman of the Legislative Council shall appoint a chairman and call the first meeting within 30 days.

Sec. 8. Report. The commission shall present its findings, together with any recommended legislation to

the joint standing committee having jurisdiction over human resources at the First Regular Session of the 114th Legislature, no later than January 15, 1989.

Sec. 9. Assistance. The commission may contract for those professionals it requires to assist it. In addition, the commission may request staff assistance from the Legislative Council.

Sec. 10. Compensation. The members of the commission who are Legislators shall receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at commission meetings. All members of the commission, except the employees of State Government, shall receive reimbursement for expenses upon application to the Executive Director of the Legislative Council.

Sec. 11. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

		1987-88	
<u>LEGISLATURE</u>			
	Commission to Study Health Care Systems in Maine		
	Personal Services	\$ 1,650	
	All Other	59,400	
	Total		\$61,050

Provides funds to allow the commission to contract with outside consultants, specialists or other individuals as required and pay the expenses of the commission. This appropriation shall carry forward to June 30, 1989.

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

Effective June 25, 1987.

CHAPTER 441

S.P. 313 — L.D. 915

AN ACT to Establish the Maine Job Development Program.

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to establish a Maine Business Opportunity and Job Development Fund.

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

Sec. 1. 10 MRSA c. 110, sub-c. II-B is enacted to

read:

SUBCHAPTER II-B

LOAN INCENTIVES TO MEET ECONOMIC DEVELOPMENT NEEDS

§1038. Maine Job Development Fund

1. Creation. There is created and established, under the jurisdiction and control of the authority, the Maine Job Development Fund.

2. Sources of fund. There shall be paid into the fund the following:

A. All money appropriated for inclusion in the fund;

B. Subject to any pledge, contract or other obligation, any money which the authority receives in repayment of advances from the fund;

C. Subject to any pledge, contract or other obligation, all interest, dividends or other pecuniary gains from investment of money of the fund; and

D. Any other money available to the authority and directed by the authority to be paid into the fund.

3. Application of fund. The authority may apply money in the fund for purposes authorized by this subchapter. Money in the fund not needed currently for purposes of this subchapter may be deposited with the authority to the credit of the fund or may be invested in such manner as is provided for by law.

4. Accounts within fund. The authority may divide the funds into such separate accounts as it determines necessary or convenient for carrying out this subchapter.

5. Revolving fund. The fund shall be a nonlapsing revolving fund. All money in the fund shall be continuously applied by the authority to carry out this subchapter.

6. Commitment and administrative fees. The authority may fix commitment fees in an amount not to exceed 1% of the initial principal amount of a loan made or insured under this subchapter. Such fees may, at the discretion of the authority, be deposited into the fund created under this section or into the Mortgage Insurance Fund or Loan Insurance Reserve Fund.

§1039. Maine Job Development Program

1. Operation. Upon appropriation of money for the Maine Job Development Fund created by section 1038, the authority shall operate the Maine Job Development Program. This program shall be operated in conjunction with or as a part of one or more other programs of the authority. This program shall be administered in cooperation with the State Development Office.