

# 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 SPECIAL SESSION**

**October 9, 1987 to October 10, 1987**

**SECOND SPECIAL SESSION**

**October 21, 1987 to November 20, 1987**

**and the**

**SECOND REGULAR SESSION**

**January 6, 1988 to May 5, 1988**

**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**  
**1988**

---

---

**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

---

---

**CHAPTER 656**

H.P. 1550 — L.D. 2110

**AN ACT to Conform the Hospital Care Financing System to Certain Federal Requirements Concerning the Civilian Health and Medical Program of the Uniformed Services.**

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

Whereas, federal law now requires Maine hospitals to accept payments under the Civilian Health and Medical Program of the Uniformed Services, CHAMPUS, as payment in full for services provided to beneficiaries of that program; and

Whereas, current Maine law governing discounts from hospital charges does not permit hospitals to accept CHAMPUS payments that are less than the hospital's established charges as payment in full; and

Whereas, violation of the new federal requirement by a hospital could jeopardize that hospital's participation in the Federal Medicare Program; 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:

22 MRSA §396-G, sub-§4, as enacted by PL 1983, c. 579, §10, is amended to read:

4. Differentials established. Notwithstanding any other provisions of this section, the commission shall establish such differentials for payments under the United States Social Security Act, Title XVIII, as may be required pursuant to contractual limitations imposed on these payments and those differentials for payments under the Civilian Health and Medical Program of the Uniformed Services, CHAMPUS, that are required, with respect to hospital admissions on or after January 1, 1987, as a condition of continued participation in the Medicare program administered under the United States Social Security Act, Title XVIII. The differential established for payments by the department under the United States Social Security Act, Titles V and XIX, shall be the greater of the differential approved in accordance with subsection 3 or such amount as may be required for the department to remain in compliance with the requirements of the United States Social Security Act, Titles V and XIX.

**Emergency clause.** In view of the emergency cited

in the preamble, this Act shall take effect when approved.

Effective April 1, 1988.

**CHAPTER 657**

H.P. 1750 — L.D. 2399

**AN ACT to Revise the Laws Concerning Cost Sharing for Maintenance of Railroad Grade and Highway Bridge Crossings.**

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

23 MRSA §2930, as amended by PL 1985, c. 813, §1, is repealed and the following enacted in its place:

§2930. Partial reimbursement of cost

The State, by or through the Department of Transportation, may reimburse railroad corporations for up to 50% of their annual cost of maintaining public at-grade railroad crossings and crossing protection devices. These crossing protection devices shall include signals, gates, crossbucks and grade separation bridges carrying highways over railroad lines. The actual reimbursement shall be calculated for each railroad based on the following formula. "Cost" shall include all reimbursable costs incurred by the railroad, as determined by the commissioner, less any payments made to the railroad by any other entities.

For the purpose of this section, public at-grade crossings shall be those crossings determined by the Commissioner of Transportation to be public crossings. Public crossings shall not include crossings on rail lines abandoned, embargoed or listed by the railroad corporation in Category I, Category II or Category III, as defined by the United States Interstate Commerce Commission, on the railroad corporation's most recent system diagram map filed with the United States Interstate Commerce Commission.

The State may provide annually each railroad corporation with a reimbursement payment. For at-grade crossings, the payment shall be determined based on each railroad corporation's verified average cost for crossing maintenance multiplied by the number of eligible crossings, with a maximum payment of \$1,500 per crossing. For grade separation bridges, the payment shall be determined based on each railroad corporation's verified average maintenance cost for grade separation bridges multiplied by the number of eligible structures, with a maximum payment of \$2,500 per structure.

Payment to any railroad corporation may be made contingent upon the railroad corporation performing specified maintenance on specific crossings or grade separation bridges when, in the judgment of the commissioner, the public welfare or safety requires that the main-

tenance be performed. If the railroad corporation fails to perform the required maintenance, the department may contract with others for the work or perform the work itself. In either case, reimbursement of the actual costs shall be made to the entity performing the maintenance or causing the maintenance to be performed. The reimbursement payment to each railroad corporation shall be adjusted to reflect the costs of any maintenance performed by others on lines for which the railroad corporation is responsible under this provision. The adjustment shall also reflect an amount to cover the department's administrative costs for arranging the maintenance to be performed.

Each railroad corporation which seeks reimbursement under this section must report annually its actual maintenance costs for the previous calendar year which shall be used to calculate the reimbursement. The department shall establish guidelines to determine allowable maintenance costs.

This annual report shall describe its maintenance program for public grade crossings and highway over railroad grade separation bridges. The report shall include the total actual costs incurred, total quantities of materials used and work hours expended for the previous year. The department may audit records and supporting documentation relating to costs incurred by railroad corporations.

The commissioner shall develop guidelines to require that any railroad corporation, prior to receiving a reimbursement for the maintenance of the line on which an eligible crossing is located shall file an annual plan by December 1st of each calendar year. The plan shall describe the condition of the line, the maintenance to be performed in the year for which reimbursement is sought, the speed at which trains will be allowed to operate over that line, the posted vehicle load limit on grade separation bridges and any other information required by the commissioner. The commissioner may also require as a condition of reimbursement that certain non-crossing maintenance or repairs be performed on the line or that the line be maintained to allow trains to operate at a certain speed, that vehicle load limits on grade separation bridges be maintained or that other measures affecting the safety and maintenance of the track be taken by the railroad corporation.

Effective August 4, 1988.

## CHAPTER 658

H.P. 1811 — L.D. 2479

### AN ACT to Require Audit Review of the Bureau of Capitol Security in 1989.

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

Sec. 1. 3 MRSA §507, sub-§1, ¶B, as repealed and replaced by PL 1979, c. 338, §2, is amended to read:

B. The evaluations and analyses of the justification reports for the programs of the following Group A-2 departments shall be reviewed by the Legislature no later than June 30, 1981:

- (1) Department of Transportation;
- (2) Department of Public Safety, except for the Bureau of Capitol Security; and
- (3) Department of the Secretary of State.

Sec. 2. 3 MRSA §507, sub-§9, ¶B, as repealed and replaced by PL 1987, c. 395, Pt. A, §6, is amended to read:

B. The evaluations and analyses of the justification reports for the programs of the following Group F-2 departments shall be reviewed by the Legislature no later than June 30, 1990:

- (1) Department of Finance;
- (2) (Office of) Treasurer of State;
- (3) Department of Audit;
- (4) Department of Administration, except for the Bureau of Human Resources, Bureau of Employee Relations and Bureau of Public Improvements; and
- (5) Department of the Attorney General; and
- (6) Department of Public Safety, but limited to the Bureau of Capitol Security.

Effective August 4, 1988.

## CHAPTER 659

H.P. 1858 — L.D. 2543

### AN ACT to Provide for Identification and Application of School Bus Purchase Reimbursement Funds.

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

20-A MRSA §15620 is enacted to read:

§15620. State allocation payments for school bus purchases

1. Use of allocation. Notwithstanding any other provisions of this chapter, state allocation payments to school administrative units for school bus purchases shall be used to reduce the amount requested in the transportation account in the next annual budget of the school