

MAINE STATE LEGISLATURE

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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

Whereas, it is necessary to continue collective bargaining of the standards as soon as possible; 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Sec. 1. 5 MRSA §7061, sub-§3, as repealed by 5 MRSA §7061, sub-§7, is reenacted to read:

3. Collective bargaining. The provisions of this section are subject to the requirements of Title 26, section 979-D, subsection 1, paragraph E. In negotiations over these subjects, the collective bargaining parties shall endeavor to establish standards or modify standards established under this section, for the preparation and updating of written job classification specifications that, at a minimum, shall result in specifications that accurately describe the duties and representative tasks of the job classification as well as other aspects of the job that are considered and evaluated under the compensation system and in specifications that distinguish each job classification within a job series. The collective bargaining parties shall bargain over these subjects in the separate negotiations over the subjects described in Title 26, section 979-D, subsection 1, paragraph E, subparagraph (1), divisions (g), (h) and (i), instead of in negotiations over all other negotiable subjects.

Sec. 2. 5 MRSA §7061, sub-§7, as enacted by PL 1987, c. 541, is amended to read:

7. Sunset. Subsection 3 is repealed March 15, 1988 1990.

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

Effective April 14, 1988.

CHAPTER 725

H.P. 1503 — L.D. 2053

AN ACT Allowing Waiver of Certificate of Need Review Requirements for Projects Other Than Those Related to Acute Patient Care When the Waiver Would Further the Purposes of the Maine Certificate of Need Act.

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

Whereas, certain health care facilities have experienced unnecessary costs and delays through the certificate of need process; and

Whereas, the health services provided by these facilities should be available to Maine citizens without delay; 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. 22 MRSA §304-A, 2nd ¶, as amended by PL 1985, c. 338, §1, is further amended to read:

Except as provided in ~~section 304-C~~ sections 304-D and 304-E, a certificate of need from the department shall be required for:

Sec. 2. 22 MRSA §304-E is enacted to read:

§304-E. Waiver of certificate of need review when review is unnecessary and serves no public purpose

1. Request for waiver. An applicant for a project requiring a certificate of need, other than a project related to acute patient care or a project that could affect the financial requirements of a hospital under chapter 107, may request a waiver of the review requirements under this chapter. The applicant shall submit, with the request, sufficient written documentation to demonstrate that the proposed project meets the conditions of this section and that sufficient public notice of the proposed waiver has been given.

2. Public notice. The applicant shall give public notice, on a form provided by the department, of its intention to seek a waiver of full review. This notice shall be given in the Kennebec Journal and in a daily newspaper of general circulation in the applicant's service area. The public shall be given 10 days from the date of publication within which to submit to the department any comments concerning the proposed waiver of review.

3. Criteria for waiver. The department may waive the requirement for a full certificate of need review of a project, if the department finds that the waiver, rather than full review, would best further the purposes of the Maine Certificate of Need Act, as set forth in section 302, subsection 2. When making this determination, the department shall consider a number of factors including, but not limited to:

A. Whether the proposed project would incur no or minimal additional expense to the public or to the health care facility's clients;

B. Whether the proposed project is or will be in compliance with other state and local laws and regulations;

C. Whether the proposed project primarily involves the maintenance of a health care facility as is; and

D. Whether the health and welfare of any person the health care facility is already serving will be significantly adversely affected if a waiver is not granted.

4. Other action by department. If the department finds that the proposal is not clearly eligible for a waiver of the review requirements, it may elect to conduct an emergency review, a simplified review pursuant to section 308, subsection 1, or a full review.

5. Notification of decision. The department shall notify the applicant of its decision in writing as soon as it determines whether to grant or deny the request for a waiver or decides to conduct a different review in accordance with subsection 4. The notice shall include a brief summary of the reasons for the department's decision.

6. Report to Legislature. The department shall submit an annual report to the joint standing committee of the Legislature having jurisdiction over human resources on the implementation and operation of this section no later than February 15th of each year.

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

Effective April 14, 1988.

CHAPTER 726

H.P. 1549 — L.D. 2109

AN ACT to Clarify Reporting Requirements under the Campaign Finance Laws.

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

Sec. 1. 21-A MRSA §1017, sub-§3, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. Reports shall be filed not later than 5 p.m. on the 7th day before the date on which an election is held and must be complete as of the 11th day before that date. The first reports filed in a year in which an election is held must include all contributions made to and all expenditures made by the candidate or committee as of the completion date and must cover not less than the 6 months immediately preceding the completion date. If a previous report was filed, the report must cover the period from the last completion date. Other reports must be complete for the filing period. A filing period is that period of time from one completion date to the next completion date.

Sec. 2. 21-A MRSA §1017, sub-§5-A is enacted to read:

5-A. Valuation of contributions sold at auction. Any contribution received by a candidate that is later sold at auction shall be reported in the following manner.

A. If the contribution is sold at auction before the commencement of the appropriate reporting period specified in subsections 1 to 4, or during that period, the value of the contribution is deemed to be the amount of the purchase price paid at auction.

B. If the contribution is sold after the termination of the appropriate reporting period specified in subsections 1 to 4, the value of the contribution is deemed to be the difference between the value of the contribution as originally reported by the candidate and the amount of the purchase price paid at auction. Unless further reports are filed in relation to a later election in the same calendar year, the disposition of any net surplus or deficit in excess of \$50 resulting from the difference between the auction price and the original contribution value shall be reported in the same manner as provided in subsection 2, paragraph F or subsection 3, paragraph D, as appropriate.

Effective August 4, 1988.

CHAPTER 727

H.P. 1745 — L.D. 2391

AN ACT to Extend the Uses of the Potato Marketing Improvement Fund.

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

Sec. 1. 7 MRSA §973, as amended by PL 1987, c. 319, §2, is further amended to read:

§973. Potato Marketing Improvement Fund

There is created a fund to be known as the Potato Marketing Improvement Fund, to which shall be credited all funds received by the commissioner from any source for the development and implementation of an improved storage, packing and marketing program. Any money credited to the Potato Marketing Improvement Fund from the issuance of bonds on behalf of the State for agricultural development shall be used only for the purposes of state loans as prescribed by section 974-A, to provide assistance to farmers on technical aspects of the design and construction of storage, packing and marketing facilities and to pay the administrative costs of processing loan applications, to the extent that the costs exceed the fee for administrative costs established by section 974-A, subsection 2. Repayment of these loans and interest thereon shall be credited to the Potato Marketing Improvement Fund to be available for making additional state loans for the same purposes, except that any interest earned on the cash balance of the fund may be used for the grants authorized by section 975.