

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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1989

comprehensive plan that is consistent with this subchapter. Eligible activities include, but are not limited to:

- A. Assistance in the development of ordinances;
- B. Retention of technical and legal expertise for permitting activities; and
- C. The updating of local growth management programs or components of the program.

7. Municipal legal defense fund. The office shall develop and administer a nonlapsing municipal legal defense fund to assist municipalities with legal expenses related to the enforcement and defense of land use ordinances adopted as part of a certified local growth management program in accordance with this subchapter. Grants shall be targeted to cases of statewide significance. After 2 years subsequent to the applicable deadline dates established under section 4343, subsection 1, assistance under this subsection is limited to the enforcement and defense of land use ordinances adopted as part of a certified local growth management program in accordance with this subchapter. The balance of the fund shall not exceed \$250,000 at any time. Amounts in excess of this \$250,000 limit shall lapse to the General Fund.

8. Eligibility for other state aid. After 2 years subsequent to the applicable deadline date established in section 4343, subsection 1, a state agency responsible for administering any grant and assistance program described in paragraph A shall award funds to a municipality only when the municipality has adopted and implemented a certified local growth management program or has, at a minimum, adopted a certified comprehensive plan and implemented certified components of the implementation program that are directly related to the purposes for which the grant or assistance is provided.

A. State grants and assistance in the following areas are subject to this subsection:

- (1) Assistance in the enforcement of local growth management programs including the municipal legal defense fund and technical and financial assistance in the administration and enforcement of local land use ordinances;
- (2) Assistance in the acquisition of land by the municipality for conservation, natural resource protection, open space or recreational facilities under Title 5, chapter 353; and
- (3) Multi-purpose community development block grants.

9. Other state grants and assistance. Except for the programs specified in subsection 8, and after 2 years subsequent to the applicable deadline date established in section 4343, subsection 1, state agencies responsible for administering grant and direct or indirect financial assistance programs to municipalities designed to accommodate or encourage additional growth and development; to improve,

expand or construct public facilities; to acquire land for conservation, recreation or resource protection; or to assist in planning or managing for specific economic and natural resource concerns shall allocate funds only to a municipality with an adopted comprehensive plan and implementation program which includes statements of policy or program guidelines directly related to the purposes for which the grant or financial assistance is provided. State agencies shall consider the content of the plan, policies and guidelines in awarding financial assistance to a municipality.

Sec. 15. 30-A MRSA §4344, sub-§10 is enacted to read:

10. Assistance from housing authorities. Notwithstanding any other provision of law, the Maine State Housing Authority and municipal housing authorities may provide technical assistance to municipalities with respect to housing components of comprehensive plans developed under this subchapter.

Sec. 16. 30-A MRSA §4354, first ¶, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

A municipality may enact an ordinance under its home rule authority requiring the construction of off-site capital improvements or the payment of impact fees instead of the construction. After No later than 2 years after the applicable deadlines established under section 4343, subsection 1, any impact fee ordinance must have been adopted as part of a certified local growth management program.

Sec. 17. 30-A MRSA §4354, sub-§2, ¶D, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

D. The ordinance must establish a mechanism by which the municipality ~~may~~ shall refund impact fees, or ~~a~~ that portion of impact fees, actually paid that exceed the municipality's actual costs or that were not expended according to the schedule under this subsection.

Sec. 18. 30-A MRSA §4354, sub-§2, ¶E, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is repealed.

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

Effective July 11, 1989.

CHAPTER 563

H.P. 229 - L.D. 313

An Act to Expand the Types of Medication Included in the Elderly Low-cost Drug Program

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

Sec. 1. 22 MRSA §254, 2nd ¶, as enacted by PL 1987, c. 746, is amended to read:

In any year in which this program is conducted, it shall ~~also~~ include antiarthritic drugs and the amount that a recipient pays toward the cost of any such covered purchase shall be \$10.

Sec. 2. 22 MRSA §254, as repealed and replaced by PL 1987, c. 746, is amended by adding after the 2nd paragraph a new paragraph to read:

In any year in which this program is conducted, it shall include anticoagulant drugs and the amount that a recipient pays toward the cost of any such covered purchase shall be \$2.

See title page for effective date.

CHAPTER 564

H.P. 210 - L.D. 290

An Act to Amend the Elderly Low-cost Drug Program

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

Sec. 1. 22 MRSA §254, first ¶, as repealed and replaced by PL 1987, c. 746, is amended to read:

The Department of Human Services may conduct a program to provide low-cost prescription and nonprescription drugs, medication and medical supplies to disadvantaged, elderly individuals. In any year in which this program is conducted, it shall include any prescription drugs used for the treatment of chronic obstructive lung disease. To fund the addition of drugs for this ailment, the amount that a recipient pays toward the cost of any covered purchase shall be ~~\$3~~ \$2. If the initial projections for expenditures in the chronic obstructive lung disease program indicate that funding for the total program will be inadequate for the remainder of the fiscal year, that part of the program dealing with chronic obstructive lung disease shall be discontinued for the remainder of the fiscal year. The department shall keep cost and utilization records necessary to evaluate the chronic obstructive lung disease program and report on this program to the Legislature by January 1989.

Sec. 2. 22 MRSA §254, 2nd ¶, as enacted by PL 1987, c. 746, is amended to read:

In any year in which this program is conducted, it shall also include anti-arthritis drugs and the amount that a recipient pays toward the cost of any such covered purchase shall be ~~\$10~~ \$2.

Sec. 3. 22 MRSA §254, sub-§4-A, as amended by PL 1983, c. 290, is further amended to read:

4-A. Payment for drugs provided. The commissioner may establish the amount of payment to be made by recipients toward the cost of prescription or nonprescription drugs, medication and medical supplies furnished under this program provided that the total cost for any covered purchase of a prescription or nonprescription drug or medication does not exceed \$2; and

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

HUMAN SERVICES, DEPARTMENT OF

Free Drugs to Maine's Elderly

All Other	\$100,000
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Provides funds to cover increased costs due to reducing the copayment for anti-arthritis drugs.

See title page for effective date.

CHAPTER 565

H.P. 32 - L.D. 32

An Act Relating to the Collection of Specified Health Care Information

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

Sec. 1. 22 MRSA §381, sub-§2, ¶D is enacted to read:

D. It is further the intent of the Legislature that a uniform system of reporting outpatient health care data shall be established; that information be collected from both the hospital and nonhospital settings regarding specified procedures and diagnoses; that this information be collected in such a manner as to provide meaningful health care information to providers and consumers; that this information be collected in such a manner that consumer and provider utilization of services can be monitored; that the information be collected in such a manner that outpatient service charges can be monitored; and that the information collected be available as a basis of determining public health policy.

Sec. 2. 22 MRSA §382, sub-§8-A is enacted to read:

8-A. Major ambulatory service. "Major ambulatory service" means surgical procedures, chiropractic method-