

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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Sec. 8. 32 MRSA §10502, sub-§3, as amended by PL 1989, c. 542, §43, is repealed and the following enacted in its place:

3. Additional exemptions. The administrator is authorized to adopt rules exempting from section 10401 securities or classes of securities or certain transactions, including by adopting a limited offering exemption, if the administrator finds that the establishment of the exemption is consistent with the public interest and the protection of investors. For purposes of promoting uniformity, the administrator, in adopting, amending and repealing any rules pursuant to this subsection, shall take into consideration any relevant rules promulgated by the United States Securities and Exchange Commission and by administrators in other jurisdictions. In any rule establishing an exemption for which a filing is required, the administrator may provide for a filing fee of \$300.

Sec. 9. 32 MRSA §10602, sub-§3 is enacted to read:

3. Liability of control persons. In a civil action brought by the Attorney General for a violation of any provision of this Act or any rule or order adopted or issued by the administrator pursuant to this Act, every person who directly or indirectly controls another person liable for the violation, every partner, officer or director of that other person, every person occupying a similar status or performing similar functions, every employee of that other person who materially aids in the act or transaction constituting the violation and every broker-dealer or sales representative who materially aids in the act or transaction constituting the violation is liable to the same extent as that other person, unless the person otherwise secondarily liable under this Act proves that the person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. Any of the remedies authorized by section 10603, subsections 1 and 2 may be granted with respect to a person secondarily liable under this subsection. This subsection is not intended to abrogate any right to contribution that may exist at common law with respect to an award of restitution.

See title page for effective date.

CHAPTER 83

H.P. 224 - L.D. 315

An Act to Amend the Election Laws Dealing with Local Elections

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

Sec. 1. 30-A MRSA §2528, sub-§4, ¶B, as amended by PL 1989, c. 104, Pt. A, §18 and Pt. C, §§8 and 10, is further amended to read:

B. At the end of the list of candidates for each office, there shall must be left as many blank spaces as there

are vacancies to be filled in which a voter may write in the name and, if residence in the municipality is not a requirement to hold office, municipality of residence of any person for whom the voter desires to vote. A sticker may not be used to vote for a write-in candidate in any municipal election other than a primary election.

Sec. 2. 30-A MRSA §2528, sub-§6, ¶B, as amended by PL 1989, c. 104, Pt. A, §20 and Pt. C, §§8 and 10, is further amended to read:

B. At the end of the list of candidates for each office, there shall must be left as many blank spaces as there are vacancies to be filled in which a voter may write in the name and, if residence in the municipality is not a requirement to hold office, municipality of residence of any person for whom the voter desires to vote. A sticker may not be used to vote for a write-in candidate in any municipal election other than a primary election.

See title page for effective date.

CHAPTER 84

H.P. 550 - L.D. 787

An Act to Clarify Certain Provisions of the Hospital Care Financing System and Provide for Systematic Consideration of Consumer Viewpoints by the Maine Health Care Finance Commission

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

Sec. 1. 5 MRSA §12004-I, sub-§44-A is enacted to read:

<u>44-A.</u>	<u>Consumer</u>	<u>Not</u>	<u>22 MRSA</u>
<u>Human</u>	<u>Advisory</u>	<u>Authorized</u>	<u>§396-P</u>
<u>Services:</u>	<u>Committee</u>		
<u>Hospitals</u>			

Sec. 2. 22 MRSA §396-D, sub-§12, ¶B, as enacted by PL 1989, c. 588, Pt. A, §29, is amended to read:

B. A request that ~~meets the requirements of paragraph A, but that would result in a positive adjustment equal to less is not supported by proof of major reasonable increases in expenses, net of offsetting expense changes, that are equal to or greater than 1.5%~~ of a hospital's financial requirements for the previous year or \$1,000,000, whichever is less, shall may not be granted, unless the applicant establishes either of the following:

- (1) That the applicant's failure to receive the adjustment will immediately, seriously and irreparably impair its financial capacity to continue providing hospital services and that no alternative means of providing those services is available; or