

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.

J.S. McCarthy Company
Augusta, Maine
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PUBLIC LAWS
OF THE
STATE OF MAINE

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(2) That denial of the adjustment would result in a groundless difference in regulatory treatment of similarly situated hospitals seeking relief under this subsection on the basis of essentially the same facts.

Sec. 3. 22 MRSA §396-K, sub-§3, ¶F, as amended by PL 1989, c. 588, Pt. A, §39, is further amended to read:

F. Debits and carry-overs ~~shall be~~ are determined as follows.

(1) Except as provided in subparagraph (2), the commission shall debit against the Hospital Development Account the full amount of the incremental annual capital and operating costs associated with each project for which an adjustment is approved under paragraph C. Incremental annual capital and operating costs ~~shall be~~ are determined in the same manner as adjustments to financial requirements are determined under section 396-D, subsection 5, for the 3rd ~~fiscal~~ year of implementation of the project.

(2) In the case of a project which is approved under paragraph C and which involves extraordinary incremental annual capital and operating costs, the commission may, in accordance with duly promulgated rules, defer the debiting of a portion of the annual costs associated with the project until a subsequent payment year cycle or cycles.

~~(4)~~ (3) Amounts credited to the Hospital Development Account for which there are no debits ~~shall be~~ are carried forward to subsequent payment year cycles as a credit.

Sec. 4. 22 MRSA §396-P, sub-§1, ¶D is enacted to read:

D. The commission shall appoint the Consumer Advisory Committee, authorized by Title 5, section 12004-I, subsection 44-A, consisting of 2 representatives of organizations or agencies concerned with the health care needs of the elderly, 2 representatives of employers who purchase hospital care benefits for their employees and 3 representatives of organizations representing the interests of consumers or individual purchasers of hospital care. This committee shall advise the commission and its staff concerning the effects of the health care financing system on consumers of health care services and the views of consumers concerning the quality, cost and accessibility of the hospital care that consumers receive.

Sec. 5. 22 MRSA §396-P, sub-§5, as enacted by PL 1985, c. 778, §6, is amended to read:

5. Participation in rulemaking. The ~~chairman~~ chair of each of the 3 ~~4~~ advisory committees or another committee

member designated by the ~~chairman~~ chair is entitled to participate, in the manner of an ex officio nonvoting member, solely with respect to deliberations and actions of the commission directly related to the formulation and adoption of rules, but including neither deliberations and actions which are properly conducted in executive session nor deliberations and actions with respect to which the commission determines that one or more of the advisory committee ~~chairmen~~ chairs have a conflict of interest. This section may not be construed to authorize participation in deliberations and actions of the commission related to the application or enforcement of rules.

See title page for effective date.

CHAPTER 85

S.P. 38 - L.D. 60

An Act to Ensure Access to Boards of Directors

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

13-B MRSA §701, as enacted by PL 1977, c. 525, §13, is amended to read:

§701. Board of directors

The activities of a corporation ~~shall~~ must be managed by a board of directors. Directors need not be residents of this State or members of the corporation unless required by the articles of incorporation or the bylaws ~~so require~~. The articles of incorporation or the bylaws may prescribe other qualifications for the directors.

Boards of directors shall ensure that no employee of the corporation may be terminated for contacting a director or directors. Directors may not preclude contact between employees of the corporation and members of the board of directors.

See title page for effective date.

CHAPTER 86

H.P. 383 - L.D. 557

An Act Concerning the Commission on Governmental Ethics and Election Practices

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

1 MRSA §1002, sub-§2, as enacted by PL 1975, c. 621, §1, is amended to read:

2. Qualifications. The members of the commission ~~shall~~ must be persons of recognized judgment, probity and