

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

J.S. McCarthy Company
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PUBLIC LAWS
OF THE
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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

objectivity. ~~No~~ A person shall may not be appointed to this commission who is a member of the Legislature or who was a member of the previous Legislature, or who was a declared candidate for an elective county, state or federal office within 2 years prior to the appointment, or who now holds an elective county, state or federal office, or who is an officer of a political committee, party committee or political action committee.

See title page for effective date.

CHAPTER 87

H.P. 67 - L.D. 95

An Act Concerning the Licensing of Organizations Operating Games of Chance or Beano

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

Sec. 1. 17 MRSA §314, first ¶, as amended by PL 1977, c. 696, §365, is further amended to read:

The Chief of the State Police may issue licenses to operate "Beano" or "Bingo" games on a monthly basis to any volunteer fire department or any agricultural fair association or bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or ~~veterans'~~ veterans' organization ~~which that~~ which that was in existence at least 2 years prior to its application for a license, when sponsored, operated and conducted for the exclusive benefit of such organization by duly authorized members thereof. The Chief of the State Police may also issue a license to any auxiliary associated with an organization, department or association qualified for a license under this section if the auxiliary has been in existence at least 2 years before applying for a license and the games are sponsored, operated and conducted for the exclusive benefit of the auxiliary by duly authorized members of the auxiliary. Proceeds from any game conducted by the auxiliary or the auxiliary's parent organization may not be used to provide salaries, wages or other remuneration to members, officers or employees of the auxiliary or its parent organization. Said The 2 years' limitation shall does not apply to any chartered posts of ~~veterans~~ veterans' organizations, nationally established, or auxiliaries of those posts, even though ~~such~~ such the posts have not been in existence for 2 years prior to their application for a license nor ~~shall~~ does the 2 years' limitation apply to any volunteer fire department or rescue unit; ~~and provided that a or auxiliary of that department or unit. A license may be issued to an agricultural fair association when sponsored, operated and conducted for the benefit of such agricultural fair association.~~

Sec. 2. 17 MRSA §314, 2nd ¶, as amended by PL 1987, c. 197, §2, is further amended to read:

The fee for such a license to any nonprofit organization is \$5 for each calendar week, or portion thereof, that the amusement is to be operated, or the license may be issued for

a calendar month for a fee of \$15. All license fees ~~shall must~~ shall must be paid to the Treasurer of State to be credited to the General Fund. ~~No licenses may be~~ A license is not assignable or transferable. Nothing contained in this section ~~is to~~ may be construed to prohibit any volunteer fire department or any agricultural fair association or bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or ~~veterans'~~ veterans' organization or auxiliary of any of them from obtaining licenses for a period not to exceed 6 months on one application. No more than one license may be issued to any organization for any one period. No more than one licensee may operate or conduct a game of "beano" or "bingo" on the same premises on the same date.

See title page for effective date.

CHAPTER 88

S.P. 146 - L.D. 358

An Act to Ensure Safe Removal of Underground Oil Storage Tanks

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

Sec. 1. 38 MRSA §566-A, sub-§3, as amended by PL 1989, c. 865, §12, is further amended to read:

3. Rulemaking. The board shall adopt rules allowing for the granting of a variance from the requirement of removal where abandonment by removal is not physically possible or practicable due to circumstances other than those listed in this subsection. The board shall adopt rules setting forth the proper procedures for abandonment of underground oil storage facilities and tanks, including requirements and procedures to conduct a site assessment for the presence of discharges of oil prior to completion of abandonment at facilities storing motor fuel or used in the marketing and distribution of oil ~~and~~ acceptable methods of disposing of the removed tanks, requirements for venting at least 12 feet above ground level flammable gases purged from tanks and from trucks removing oil from tanks and procedures for abandonment in place where removal of a tank or other component of a facility is determined not physically possible or practicable.

Sec. 2. 38 MRSA §566-A, sub-§5, as amended by PL 1989, c. 312, §19, is further amended to read:

5. Qualified personnel. All abandoned facilities and tanks used for the storage of Class 1 liquids that require removal ~~shall must~~ shall must be removed under the ~~direction direct~~ direction direct, on-site supervision of an underground oil storage tank installer certified pursuant to Title 32, chapter 104-A, or ~~professional fire-fighting certified fire-fighting~~ professional fire-fighting certified fire-fighting personnel, except for underground gasoline storage tanks removed pursuant to subsection 6. ~~The certified installer need not be present at the site at the time of the tank's or facility's~~