

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

B. The minor employee is entitled to compensation under this Act in addition to any right of action permitted under this subsection.

C. If the employer is self-insured for liability under this Act, any award received by the minor in an action permitted under this subsection must be reduced by the amount of compensation received under this Act.

D. If the employer is insured for liability under this Act, the employer is considered a 3rd party under section 68, and the employer's insurer is entitled to all rights of subrogation, contribution or other rights granted to an employer under section 68.

Sec. 14. Application. Sections 11, 12 and 13 apply only to injuries occurring on or after the effective date of this Act.

Sec. 15. Posting of notice. Notwithstanding the Maine Revised Statutes, Title 26, section 701, the Bureau of Labor is not required to modify and redistribute the printed notice required by that section to reflect the changes in the law resulting from this Act. The Bureau of Labor shall modify the printed notice to reflect the changes contained in this Act when it becomes necessary, due to an insufficient supply of such notices or future changes in the law, to print additional notices.

See title page for effective date.

CHAPTER 545

S.P. 374 - L.D. 999

An Act to Establish the Maine Primary Care Residency Training Assistance Program

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

Whereas, it is critical that the Primary Care Residency Commission begin its work 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 §12004-I, sub-§29-A is enacted to read:

<u>29-A.</u>	<u>Primary Care</u>	<u>Expenses</u>	<u>10 MRSA</u>
<u>Finance</u>	<u>Residency Ad-</u>	<u>Only</u>	<u>§1100-X</u>
	<u>visory Com-</u>		
	<u>mittee</u>		

Sec. 2. 10 MRSA c. 110, sub-c. X is enacted to read:

SUBCHAPTER X

MEDICAL TRAINING ASSISTANCE

§1100-U. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Primary care physician. “Primary care physician” means the physician a patient contacts for continuous general medical care.

2. Primary care residency program. “Primary care residency program” means a graduate medical education program in family practice, obstetrics and gynecology, internal medicine or pediatrics approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.

3. Residency. “Residency” means the supervised post doctoral training experience that follows medical school, the completion of which qualifies a person to take the examinations necessary for eligibility in that person’s specialty.

§1100-V. Authorization; Maine Primary Care Residency Training Assistance Program

The Finance Authority of Maine shall administer the Maine Primary Care Residency Training Assistance Program if funds are available. This program is a statewide program to make grants to improve the quality of training and expand the number of primary care residents in this State pursuant to contracts between the authority and the approved primary care residency programs.

§1100-W. Administration

1. Contracts. The Finance Authority of Maine shall contract with each approved primary care residency program that seeks to participate in the Maine Primary Care Residency Training Assistance Program. Contracts must allocate grants based upon a formula approved by the authority related to the total number of resident physicians in all 3 years of training programs and the number of the first-year residents in training programs in internal medicine, obstetrics and gynecology and pediatrics. The contracts must provide terms and conditions as may be necessary to ensure that funds provided under this subchapter supplement and not supplant funds currently available for such programs.

2. Rules. The authority shall adopt rules to implement this subchapter, including rules providing for:

A. Allocation of funds as determined upon recommendation of the Primary Care Residency Advisory Committee under section 1100-X;

B. Prior consultation with the advisory committee on the annual budget for this program; and

C. A postaudit in a manner acceptable to the State Auditor of expenses related to funds received under this program.

3. Disbursements. Pursuant to a contract the authority may disburse funds for the purpose of the graduate training of physicians in approved primary practice residency training programs.

4. Reports. Reports must be filed as follows.

A. Each primary care residency program shall file on a regular basis such reports as required by the authority concerning its resident physician enrollment, communities served, income and expenditures, new programs developed and such other information as the authority determines necessary in its administration of this subchapter.

B. The authority shall file biennially with the Legislature a report of its expenditures under the Maine Primary Care Residency Training Assistance Program and a listing of those primary care residency programs participating in the program.

§1100-X. Advisory committee

1. Established; membership. The Primary Care Residency Advisory Committee as established by Title 5, section 12004-I, subsection 29-A, consists of the following 12 members:

A. Five members appointed by the Governor from a list of nominees jointly developed and submitted to the Governor by the major statewide association representing allopathic physicians, the major statewide association representing osteopathic physicians and the major statewide association of family practice physicians. Of these members, at least 2 must be directors of family residency programs;

B. One member appointed by the Governor from a list of nominees submitted to the Governor by the director of medical education at a major teaching hospital in the southern part of the State. This member must represent another primary care residency training program in the State in the area of internal medicine, pediatrics or obstetrics and gynecology;

C. One member jointly appointed by the President of the Senate and the Speaker of the House of Rep-

resentatives from a list submitted by a statewide association representing hospitals. This member must be affiliated with a teaching hospital;

D. Three members of the general public, one to be appointed by the Governor, one by the President of the Senate and one by the Speaker of the House of Representatives;

E. The Commissioner of Human Services or the commissioner's designee; and

F. The Chief Executive Officer of the Finance Authority of Maine.

2. Terms of office. Each appointed member shall serve a term of 3 years; except that, of those first appointed, 2 members appointed under subsection 1, paragraph A and one member appointed under subsection 1, paragraph B shall serve for terms of 2 years and 2 members appointed under subsection 1, paragraph A and one member appointed under subsection 1, paragraph B shall serve for terms of one year.

3. Compensation. Members are not entitled to compensation but are entitled to reimbursement for expenses pursuant to Title 5, chapter 379.

4. Chair. The members shall annually elect a chair who shall serve for a term of one year.

5. Meetings. The Chief Executive Officer of the Finance Authority of Maine shall call the first meeting as soon as funds are available. After the first meeting, the committee shall meet at least annually and at other times as requested by the authority or as called to meeting by the chair.

6. Responsibilities. The committee shall review for the authority applications for approval and funding primary care residency training programs, make recommendations to the authority regarding allocation of funds, draft guidelines regarding distribution of funds, make recommendations to the authority relating to rules, standards and criteria for the approval and funding of residency training programs, review rules and perform such other duties as may be directed by the authority.

Sec. 3. 22 MRSA §396-E, sub-§1, ¶C, as enacted by PL 1983, c. 579, §10, is amended to read:

C. Gifts Except as provided in paragraph I, gifts and grants from federal, state and local governmental agencies shall be are considered available resources.

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

I. Disbursements made by the Finance Authority of Maine pursuant to contracts between the authority and the hospitals participating in the Maine Primary Care Residency Training Assistance Program may

not be treated as available resources to be offset against the hospitals' financial requirements.

Sec. 5. Primary Care Residency Commission. The Primary Care Residency Commission is established to develop mechanisms for funding a greater number and improved quality of primary care residency slots throughout the State.

1. The commission's members are:

A. Two Senators appointed by the President of the Senate and 4 members of the House of Representatives appointed by the Speaker of the House of Representatives;

B. Five members who are directors of family practice residencies in the State;

C. The director of medical education at a major teaching hospital in the southern part of the State;

D. One representative from a college of osteopathic medicine in the State, appointed by the president of the college;

E. One representative from an allopathic medical college located in Vermont that participates with this State in a medical compact, appointed by the president of the college;

F. The Chief Executive Officer of the Finance Authority of Maine or the chief executive officer's designee;

G. One representative of a statewide organization of allopathic physicians, appointed by the president of the organization;

H. One representative of a statewide organization of osteopathic physicians, appointed by the president of the organization;

I. One representative from a statewide organization of family practice physicians, appointed by the president of the organization;

J. Two representatives of a statewide hospital association, appointed by the president of the association. One of the hospital representatives must be from a small community hospital;

K. The Commissioner of Human Services or the commissioner's designee;

L. One representative from the State's largest non-profit health insurance company, appointed by the president of the company;

M. One representative from an association of commercial health insurance companies doing business in the State, appointed by the president of the association;

N. One representative of a statewide ambulatory care association, appointed by the president of the association; and

O. The Executive Director of the Maine Health Care Finance Commission or the executive director's designee.

2. The Executive Director of the Legislative Council shall call the first meeting of the commission when funds are available. At the first meeting, the commission shall select a chair from its members.

3. The commission shall present its findings, together with any necessary legislation, to the Joint Standing Committee on Human Resources. If the commission receives funding to carry out its activities by June 15, 1991, it shall report by November 1, 1991. If the commission does not receive funding to carry out its activities by June 15, 1991, it shall report by November 1, 1992.

4. If funds are available and subject to subsection 6, the commission may hire staff on a contract basis to assist in performing its duties.

5. Members of the commission who are Legislators are entitled to legislative per diem and expenses as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at commission meetings. Expenses are not authorized for any other members.

6. The Legislative Council may seek outside sources of funding to finance the activities of the commission. The Legislative Council may authorize the commission to develop funding proposals. The Executive Director of the Legislative Council shall review and approve any proposal before its submission to a funding source. Before approving a funding source, the Legislative Council shall examine whether accepting funds from this source will risk the appearance of undue influence or actual undue influence on the study. If the Legislative Council determines that accepting funds from the source will cause this risk, the Legislative Council may not approve the funding source. The Legislative Council shall administer any outside funds acquired for the conduct of the study. Administration of these funds includes authorizing the Executive Director of the Legislative Council to approve or disapprove any contract for assistance to the study in accordance with guidelines adopted by the Legislative Council. Expenditures may not be incurred that have an impact on the General Fund. Expenditures may not be incurred for the commission unless outside sources of funding have been received by the Legislative Council.

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1991-92

LEGISLATURE

Primary Care Residency Commission

Personal Services	\$2,970
All Other	12,030

Provides funds to the Primary Care Residency Commission for the per diem and expenses of legislative members and for printing and contractual services.

LEGISLATURE

TOTAL \$15,000

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

Effective July 10, 1991.

CHAPTER 546

H.P. 1197 - L.D. 1750

An Act Concerning Technical Changes to the Tax Laws

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

Whereas, delay in making technical corrections to the tax laws would interfere with administration of those laws; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the tax laws; 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. 36 MRSA §177, sub-§1, as amended by PL 1987, c. 497, §4, is further amended to read:

1. Generally. All sales and use taxes collected by any person pursuant to Part 3, all taxes collected by any

person under color of Part 3 which have not been properly returned or credited to the persons from whom they were collected, all taxes collected by any person pursuant to chapter 451 or 459, all fees collected pursuant to chapter 719 and all taxes collected by any person pursuant to chapter 827 shall constitute a special fund in trust for the State Tax Assessor. The liability for the taxes shall be or fees and any interest or penalty on taxes or fees is enforceable by assessment and collection, in the manner prescribed in this Part, against the person and against any officer, director, member, agent or employee of that person who, in that capacity, is responsible for the control or management of the funds or finances of that person or is responsible for the payment of that person's taxes.

Sec. 2. 36 MRSA §187, sub-§1, as enacted by PL 1977, c. 679, §1, is repealed and the following enacted in its place:

1. Failure to file return. Any person who fails to make and file any return required under this Title at or before the time the return becomes due is liable for one of the following penalties.

A. If the return is filed before or within 15 days after the taxpayer receives from the State Tax Assessor a formal demand that the return be filed, the penalty is \$10 or 10% of the tax due, whichever is greater.

B. If the return is filed later than 15 days after the taxpayer receives from the State Tax Assessor a formal demand that the return be filed, the penalty is 100% of the tax due.

Sec. 3. 36 MRSA §187, sub-§2, as enacted by PL 1977, c. 679, §1, is amended to read:

2. False return. Any person who files a return under this Title which that is materially incorrect ~~shall be is~~ liable for a penalty. If the return is materially incorrect because of negligence or intentional disregard of this Title or of any ruling, or rule or regulation of the State Tax Assessor issued pursuant to this Title, without intent to defraud, the penalty ~~shall be is~~ in the amount of \$10 or 10% of the deficiency, whichever is greater. If the return is materially incorrect because of fraud with intent to evade the tax, the penalty ~~shall be is~~ in the amount of \$50 or 50% of the deficiency, whichever is greater. For purposes of this subsection, "negligence" means any failure to make a reasonable attempt to comply with the provisions of this Title.

Sec. 4. 36 MRSA §187, sub-§3, ¶A, as enacted by PL 1985, c. 691, §7, is amended to read:

A. Any person who fails to pay, on or before its due date, any tax due under this Title ~~shall be is~~ liable for a penalty of \$5 or ~~5%~~ 1% of the unpaid tax, whichever is greater, for each month or fraction thereof during which the failure continues, provided that the