

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**  
December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**  
January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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  
1992

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

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

**1991**

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office is certified as a Medicare ambulatory surgical center.

**2. Standards.** The department shall establish standards for the licensure of ambulatory surgical facilities effective ~~January 1, 1990~~ July 1, 1992. The standards ~~shall~~ must provide that ambulatory surgical facilities that are certified for the federal Medicare and Medicaid programs ~~are deemed to be eligible~~ meet the requirements for state licensure.

**3. Annual inspection.** The department shall ~~inspect annually ambulatory surgical facilities, except that state inspections need not be performed during a year when a Medicare inspection is performed.~~

**Sec. 2. 22 MRSA §1815**, as repealed and replaced by PL 1989, c. 878, Pt. A, §60, is amended to read:

### §1815. Fees

Each application for a license to operate a hospital, convalescent home or nursing home ~~shall~~ must be accompanied by a nonrefundable fee of \$10 for each bed contained within the facility. Each application for a license to operate an ambulatory surgical facility ~~shall~~ must be accompanied by the fee established by the department. The department shall establish the fee for an ambulatory surgical facility, not to exceed ~~\$250~~ \$500, on the basis of a sliding scale representing size, number of employees and scope of operations. All licenses issued ~~shall~~ must be renewed annually upon payment of a like fee. The State's share of all fees received by the department under this chapter ~~shall~~ must be deposited in the General Fund. ~~No~~ A license granted may not be assignable or transferable. State hospitals are not required to pay licensing fees.

See title page for effective date.

## CHAPTER 753

H.P. 1561 - L.D. 2199

### An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities

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

**Whereas**, there is significant ambiguity in the law regarding who is responsible for workers' compensation coverage for forest fire wardens and laborers hired for forest fire-fighting activities; and

**Whereas**, this ambiguity could result in significant costs to forest fire wardens, hired laborers, the State

and municipalities should the forest fire wardens or hired laborers be injured while performing their duties; 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. 39 MRSA §6** is enacted to read:

### §6. Workers' compensation coverage for forest firefighters

Notwithstanding Title 12, section 8901, subsection 2 and Title 12, sections 8902, 8905, 9201, 9202, 9204 and 9205, workers' compensation coverage is provided to forest fire wardens and laborers hired by municipalities for forest fire-fighting activities as follows.

**1. Municipal responsibility.** The municipality is responsible for workers' compensation costs for injuries that occur while the municipality is in actual control of forest fire suppression activities.

**2. State responsibility.** The State is responsible for workers' compensation costs for injuries that occur while the State is in actual control of forest fire suppression activities.

For purposes of this section, "actual control" means on-site supervisory responsibility for the entire command structure directing forest fire suppression activities over the fire scene. A municipality is assumed to be in actual control until the State accepts or takes actual control.

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

Effective March 27, 1992.

## CHAPTER 754

H.P. 1461 - L.D. 2073

### An Act to Conform the Maine Income Tax Law for 1991 with the United States Internal Revenue Code

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

**Whereas**, the 90-day period would delay the processing of the 1991 income tax returns; and