

# 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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tainer with a liquefied petroleum gas or any other gas or substance.

**Sec. 2. 10 MRSA §1661-C** is enacted to read:

**§1661-C. Notice of propane unit price**

1. Notice. A retail seller of propane gas shall notify a customer or potential customer of the unit price of propane gas upon request, when an oral order for a single delivery is received and at the time of billing.

2. Unit. "Unit," for the purposes of this chapter, may include gallon, pound or cubic foot; but upon customer request a retail seller of propane gas shall convert prices quoted by the pound or cubic foot into per gallon prices.

**Sec. 3. 10 MRSA §1662** is amended to read:

**§1662. Penalties**

~~Any A person, firm or corporation or any officer, agent, servant or employee thereof, who shall violate~~ violates any of the provisions of this chapter ~~shall be,~~ except section 1658-A, is punished by a fine of not more than \$100 for the first offense and by a fine of not more than \$200 for each subsequent offense, or by imprisonment for 90 days, or by both. A person who violates section 1658-A commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged. Each separate sale or attempt to sell in violation of this chapter ~~shall be deemed is~~ a separate offense.

See title page for effective date.

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## CHAPTER 771

### H.P. 1537 - L.D. 2170

#### An Act to Clarify and Improve the Procedures of the Maine Health Care Finance Commission

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

**Sec. 1. 22 MRSA §396-K, sub-§3, ¶B-1,** as enacted by PL 1989, c. 588, Pt. A, §35, is amended to read:

B-1. On the basis of additional information received after an annual credit is established pursuant to paragraph A, including information provided by the department concerning the State Health Plan or projects then under review, the commission may ~~by rule~~ increase or decrease the amount of the annual credit by the adoption of a rule change proposed during the course of the payment year cycle to which it applies. The commission may not act

under this paragraph to decrease the credit below the amount that would, in combination with any amounts carried over from prior years, equal the total of any debits associated with projects approved on or before the date that the commission notifies the department of a proposed rule that would decrease the credit. For any payment year cycle in which the annual credit is apportioned to "statewide" and "individual hospital" components, the increase or decrease authorized by this paragraph ~~shall apply~~ applies solely to the "statewide" component of the credit.

**Sec. 2. 22 MRSA §397, sub-§3,** as enacted by PL 1983, c. 579, §10, is amended to read:

**3. Burden of proof.** In all trials, actions and proceedings arising under this chapter, the burden of proof ~~shall be~~ is upon the party seeking to set aside any determination, requirement, direction or order of the commission complained of as unreasonable, unjust or unlawful, as the case may be. In all original proceedings before the commission where ~~when~~ approval of the commission is sought or a proposed revenue limit is contested, the burden of proof shall be is on the person seeking the approval or contesting the revenue limit if, in the case of a proposed revenue limit, the executive director has furnished, reasonably in advance of the deadline established for notices of contest, a written explanation of the differences between the information timely filed with the commission by the hospital for the purpose of computing a revenue limit and the information relied upon in computing the proposed revenue limit.

**Sec. 3. 22 MRSA §398, sub-§2,** as amended by PL 1989, c. 386, §2, is further amended to read:

**2. Interim adjustments.** Upon application by a hospital, affiliated interest, payor or group of purchasers; for an interim adjustment to financial requirements permitted under section 396-D; or upon application by a payor or group of purchasers for a modification of its approved differential or of the apportionment of the gross patient service revenue, and after opportunity for hearing, a final order ~~shall~~ must be promulgated issued within 120 days from the date a completed application was filed, except that the commission may extend the 120-day period by an additional ~~60~~ 90 days with respect to an application for an adjustment under section 396-D, subsection 9-A or 9-B when the commission determines, after allowing an initial period for informal negotiation among the parties to the proceeding, that an opportunity for formal proceedings including a hearing should be provided before a decision is made. The parties may further extend the time by agreement. Any proposed change ~~shall take~~ takes effect upon the date specified in the order. At any time during the period between the filing date and the commission's final decision on the request, the commission may extend provisional approval to any part of the request. This provisional approval ~~shall be is~~

superseded by the commission's final decision on the request. The commission may establish reasonable limits on the frequency of requests filed under this subsection.

See title page for effective date.

## CHAPTER 772

H.P. 1550 - L.D. 2188

### An Act to Extend the Reporting Date of the Commission to Study State Permitting and Reporting Requirements

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

**Whereas**, the Legislature, in Public Law 1991, chapter 606, created the Commission to Study State Permitting and Reporting Requirements which was to submit a report to the Second Regular Session of the 115th Legislature by November 1, 1991; and

**Whereas**, an extension is needed by the commission to adequately report its findings; 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.** PL 1991, c. 606, Pt. D, §7 is amended to read:

**Sec. D-7. Report.** The commission shall submit its report, together with any necessary implementing legislation to the Second Regular Session of the 115th Legislature no later than ~~November 1~~ December 15, 1991.

**Sec. 2. Retroactivity.** Section 1 of this Act applies retroactively to November 1, 1991.

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

Effective March 30, 1992.

## CHAPTER 773

H.P. 1627 - L.D. 2290

### An Act to Open State Government to Public View

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

**Sec. 1.** 1 MRSA §402, sub-§1-A is enacted to read:

**1-A. Legislative subcommittee.** "Legislative subcommittee" means 3 or more Legislators from a legislative committee appointed for the purpose of conducting legislative business on behalf of the committee.

**Sec. 2.** 1 MRSA §402, sub-§3, ¶C, as amended by PL 1977, c. 696, §9, is further amended to read:

**C. Records** Legislative papers and reports until signed and publicly distributed in accordance with legislative rules, and records, working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the biennium legislative session or sessions in which the proposal or report is papers or reports are prepared or considered or to which the paper or report is carried over;

See title page for effective date.

## CHAPTER 774

H.P. 1643 - L.D. 2306

### An Act to Ensure the Availability of Ferry Service in Casco Bay

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

**Whereas**, the Casco Bay Island Transit District was created by the Legislature in 1981 as a community-based nonprofit organization to provide ferry services to several islands in Casco Bay previously served by Casco Bay Lines until its bankruptcy; and

**Whereas**, the Casco Bay Island Transit District has for a decade served the residents and visitors of Chebeague Island in Cumberland, Peaks Island, Great Diamond Island, Little Diamond Island, Long Island and Cliff Island in Portland with a variety of transit services for passengers, vehicles and freight in an efficient and cost-effective manner; and