

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION
October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION
October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

A landowner required to pay compensation under this section is entitled to be indemnified by the contractor and may recover the amount paid in an action against that contractor. A landowner may demand that the contractor enter into a written agreement to reimburse the landowner for any loss incurred under this section due to a claim filed for compensation and other benefits. The employee is not entitled to recover at common law against the landowner for any damages arising from such injury if the employee takes compensation from that landowner.

Landowners willfully acting to circumvent the provisions of this section by using coercion, intimidation, deceit or other means to encourage persons who would otherwise be considered employees within the meaning of this Act to pose as contractors for the purpose of evading this section are liable subject to the provisions of section 324, subsection 3. Nothing in this section may be construed to prohibit an employee from becoming a contractor subject to the provisions of section 102, subsection 13.

Sec. 3. Review by Workers' Compensation Board. The Workers' Compensation Board shall review the effects of this Act and submit a report, including any recommended changes, to the Joint Standing Committee on Labor by November 1, 1993. This report must include the number of predeterminations made under this Act, the manner in which the predeterminations were made, the number of cases investigated or prosecuted for willfully acting to circumvent the liability imposed by the Maine Revised Statutes, Title 39-A, section 401, subsection 4 and the disposition of those cases under section 324, subsection 3.

Sec. 4. PL 1993, c. 65 is repealed.

Sec. 5. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1993-94	1994-95
WORKERS' COMPENSATION BOARD		
Workers' Compensation Board		
Positions	(1.0)	(1.0)
Personal Services	\$48,379	\$52,830
All Other	5,700	5,700
Provides authorization for one Staff Attorney position and allocations for general operating costs necessary to administer predetermination cases.		
WORKERS' COMPENSATION BOARD TOTAL	\$54,079	\$58,530

Sec. 6. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 39-A, section 105 and that section of this Act that repeals Public Law 1993, chapter 65 take effect on July 1, 1993.

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

Effective May 12, 1993, unless otherwise indicated.

CHAPTER 121

H.P. 287 - L.D. 374

An Act to Assist Policy Makers in Establishing Health Care Policy

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

Sec. 1. 22 MRSA §395-A, sub-§§1 and 2, as enacted by PL 1989, c. 565, §11, are amended to read:

1. Development of health care information systems. In addition to the commission's authority to obtain information to carry out the specific provisions of this subchapter, the commission may require providers of health care to furnish information with respect to the nature and quantity of services provided to the extent necessary to develop proposals for the modification, refinement or expansion of the systems of information disclosure established under this subchapter. The commission's authority under this subsection includes the design and implementation of pilot information reporting systems affecting selected categories of providers of health care or representative samples of providers. Pilot information reporting systems established under this subsection may be implemented on a statewide basis.

2. Demonstration project. The commission may establish a demonstration project requiring the submission of data from all providers with respect to services listed in subsection 3 in nonhospital settings. The demonstration project may be implemented on a statewide basis. The demonstration project shall must be designed to test the usefulness of data to consumers, the value of the data in determining whether hospital-based health care costs and services are shifting to nonhospital-based settings, the feasibility of using standard claim forms for the submission of data, how the cost of data collection is balanced with the value of the data, whether patient-specific or aggregate data can best address the purposes for which the data is sought, and whether providers should be compensated for providing the data. By January 1, 1997, the commission shall submit to the joint standing committee of the Legislature having jurisdiction over human resources matters a report that addresses each of these criteria. The report must include

the commission's recommendation regarding whether the demonstration program should continue, along with necessary implementing legislation.

Sec. 2. 22 MRSA §395-A, sub-§3, ¶¶C and D, as enacted by PL 1989, c. 565, §11, are amended to read:

C. Cardiac angiography; ~~and~~

D. Cardiac catheterization services; ~~;~~ and

Sec. 3. 22 MRSA §395-A, sub-§3, ¶E is enacted to read:

E. Thallium scanning.

See title page for effective date.

CHAPTER 122

H.P. 679 - L.D. 921

An Act to Authorize the Operation of Articulated Buses on Maine Highways

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

Sec. 1. 29 MRSA §1, sub-§24 is enacted to read:

24. Articulated bus. "Articulated bus" means a bus consisting of 2 passenger-carrying sections in which the rear body section is flexibly but permanently connected to the front section in a manner that allows the vehicle to bend without having an interior barrier to movement between sections of the vehicle.

Sec. 2. 29 MRSA §244, sub-§4, ¶F is enacted to read:

F. Notwithstanding any other provisions of this subsection, articulated buses may be operated or caused to be operated as long as the following conditions are met:

(1) The total length of the vehicle does not exceed 61 feet, excluding bumpers;

(2) The rearmost axle of the vehicle is self-steering;

(3) The vehicle is equipped with an interlock device to prevent the vehicle from jackknifing while backing up;

(4) The vehicle is equipped with an audible or visible signal that indicates to the driver

who overrides the interlock device when the vehicle is nearing the jackknife position; and

(5) The turntable floor is properly aligned to maintain a level surface while the vehicle is in operation.

See title page for effective date.

CHAPTER 123

H.P. 723 - L.D. 982

An Act to Increase Reimbursement to the State Police for Services Provided to Federal Agencies

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

Sec. 1. 25 MRSA §1502, 4th ¶, as enacted by PL 1989, c. 757, is amended to read:

The State Police may provide assistance to federal agencies ~~for presidential security~~. The Chief of the State Police may charge the various federal agencies for these services. Revenues received from these agencies ~~shall~~ must be allocated for the purpose of funding the cost of providing the services.

See title page for effective date.

CHAPTER 124

H.P. 386 - L.D. 499

An Act to Clarify the Process of Resolving Nuisance Complaints Involving Agriculture and to Protect Farm Operations

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

Whereas, this legislation proposes improvements in the laws related to agricultural activities that will be in full operation before this legislation would otherwise become effective; 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: