

# 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

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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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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## CHAPTER 457

H.P. 643 - L.D. 874

An Act to Protect Police Officers from  
Armor-piercing Ammunition

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

**Sec. 1. 17-A MRSA §1056**, as enacted by PL 1983, c. 430, is amended to read:

**§1056. Possession of armor-piercing ammunition**

1. A person is guilty of possession of ~~metal-piercing armor-piercing~~ armor-piercing ammunition if, without authority to do so, ~~he the person~~ knowingly possesses ~~metal-piercing armor-piercing~~ armor-piercing ammunition other than as part of a bona fide collection.

2. As used in this chapter, "~~metal-piercing armor-piercing~~ armor-piercing ammunition" means ~~any type of a projectile or projectile core that may be used in a handgun and that is constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, beryllium copper or depleted uranium, including but not limited to ammunition commonly known as KTW ammunition. "Armor-piercing ammunition" does not include shotgun shot required by federal or state environmental or game laws, rules or regulations for hunting purposes, a frangible projectile designed for target shooting or any projectile or projectile core found by the United States Secretary of the Treasury or the secretary's delegate, pursuant to 27 Code of Federal Regulations, Section 178.148 or Section 178.149, to be:~~

A. Primarily intended to be used for sporting purposes; or

B. Used for industrial purposes, including a charge used in an oil and gas well perforating device.

3. Possession of ~~metal-piercing armor-piercing~~ armor-piercing ammunition is a Class ~~D~~ C crime.

4. This section ~~shall~~ does not apply to members of the United States Armed Forces, the United States Reserve Forces or the National Guard, or to law enforcement officers or agencies or forensic laboratories, in the course of duty or employment.

See title page for effective date.

## CHAPTER 458

H.P. 602 - L.D. 817

An Act to Encourage Fair Medicare Payments  
to Hospitals and to Extend the Implementation  
Date for Certain Outpatient Revenue Limits

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

**Sec. 1. 22 MRSA §396, sub-§3, ¶B**, as repealed and replaced by PL 1991, c. 786, §1, is amended to read:

B. Outpatient service revenue limits must be established as follows.

(1) For payment years beginning or deemed to begin on or after October 1, ~~1994~~ 1995, the commission shall regulate outpatient services by setting the rate per unit of service or per classification, exclusive of the capital-related revenues subject to the component established under paragraph C.

(2) For payment years beginning or deemed to begin before October 1, 1992, the commission shall establish revenue limits for outpatient services using methods consistent with those used in setting gross patient service revenue limits for payment years beginning prior to October 1, 1990, except that the capital-related revenues subject to the component established under paragraph C must be excluded.

(3) For payment years beginning or deemed to begin between September 30, 1992 and September 30, ~~1994~~ 1995, the commission may establish a method of regulating outpatient service revenue that is consistent with subparagraph (1). Until a method consistent with subparagraph (1) takes effect, the commission shall use a method consistent with subparagraph (2).

Nothing in this paragraph prohibits the commission from refining or modifying the method of adjusting for outpatient volume.

**Sec. 2. 22 MRSA §396-F, sub-§3**, as amended by PL 1991, c. 830, §7, is repealed and the following enacted in its place:

**3. Differentials.** The commission shall provide for revenue deductions that reflect differentials established and approved pursuant to section 396-G. In calculating

revenue deductions to reflect differentials under the Medicare program, the commission shall exclude from its determination the following amounts:

A. Any amounts that the commission finds have been paid by the Medicare program for the following activities, to the extent that the activities have been approved under section 396-R, unless any costs of the activities have been added to a hospital's financial requirements:

(1) The expansion of a family practice residency program after June 30, 1992; and

(2) The provision of spaces in a residency program in internal medicine, pediatrics or obstetrics and gynecology, in any given year, for the number of first-year residents that is greater than the number of first-year residents in that program at the same hospital prior to June 30, 1992; and

B. Any amounts that the commission finds have reasonably been expended by a hospital in a reasonable appeal of a reimbursement decision made by the Medicare program. In order to allow hospitals to recover the full amount expended to secure increases or avoid decreases in Medicare reimbursement by pursuing appeals, the commission shall exclude from revenue deduction calculations for each payment year a total amount of Medicare payments equal to the total reasonably expended by the hospital on successful appeals in the most recent year for which data is available. In determining this adjustment, the commission shall take into account the amount of attorney's fees included in the hospital's base year budget. For purposes of this paragraph, "appeal" refers to any process of review of a Medicare reimbursement decision, formal or informal, conducted by a fiscal intermediary, government office, administrative agency or review board or by a court of law.

**Sec. 3. Report.** By January 1, 1996, the Maine Health Care Finance Commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over human resources matters regarding the impact of section 2 of this Act. For the period being studied, the report must include at least the following:

1. The total number of Medicare payment appeals filed by the hospitals;
2. The number of successful Medicare payment appeals filed by hospitals;
3. The costs associated with Medicare payment appeals, the amount of the adjustments made by the commission under section 2 of this Act and the amounts of adjustment refused by the commission under section 2

because the commission determined that those costs were included in the hospitals' base year budgets; and

4. The estimated amount of additional Medicare funds paid to hospitals as a result of the appeals.

See title page for effective date.

## CHAPTER 459

### H.P. 150 - L.D. 202

#### An Act to Deter Felons from Carrying Firearms during the Maine Hunting Season

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

**Sec. 1. 12 MRSA §7071, sub-§9** is enacted to read:

**9. Persons prohibited from possessing firearm.** A person who is prohibited from possessing a firearm under Title 15, section 393, subsection 1 is not eligible to obtain any license or permit issued by the department that authorizes a person to hunt with a firearm, unless that person possesses a permit in accordance with Title 15, section 393, subsection 2.

**Sec. 2. 12 MRSA §7073, sub-§§3-A and 3-B** are enacted to read:

**3-A. Statement of right to possess firearms.** An applicant for any license or permit that authorizes a person to hunt with a firearm must sign a written statement on the license application verifying that:

A. The applicant is not prohibited by law from possessing a firearm pursuant to Title 15, section 393, subsection 1; or

B. The applicant has lost the right to possess a firearm pursuant to Title 15, section 393, subsection 1, but has been issued a permit to possess a firearm pursuant to Title 15, section 393, subsection 2.

The statement to be signed by an applicant pursuant to this subsection must contain the following notice in conspicuous type: "BY SIGNING THIS STATEMENT, THE APPLICANT VERIFIES THAT THE REPRESENTATIONS HEREIN ARE TRUE. A FALSE STATEMENT IS PUNISHABLE UNDER MAINE LAW, TITLE 17-A, SECTION 453 AND IS A CLASS D CRIME."

**3-B. Amending applications.** The Department of Inland Fisheries and Wildlife shall amend applications for licenses and permits that authorize a person to hunt