

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

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

with a firearm to include the statement prescribed in section 3-A.

Sec. 3. Effective date. Section 2 of this Act takes effect on January 1, 1994.

See title page for effective date, unless otherwise indicated.

CHAPTER 460

H.P. 716 - L.D. 967

An Act Concerning Amendments to the Laws Affecting the Finance Authority of Maine

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

Whereas, the unemployment rate in the State is high, requiring special efforts to stimulate the economy and create jobs; and

Whereas, this legislation will help retain and create jobs within the State by expanding the ability of the Finance Authority of Maine to insure loans and to encourage lenders to make more commercial loans; 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. 10 MRSA §963-A, sub-§24-B is enacted to read:

24-B. Insured certificate. “Insured certificate” means a certificate evidencing fractional undivided ownership interest in a pool of mortgage loans, each of which is insured by the authority pursuant to this chapter, that is insured by the authority pursuant to and subject to the limitations of section 1026-E.

Sec. 2. 10 MRSA §963-A, sub-§27-A is enacted to read:

27-A. Loan insurance agreement; mortgage insurance agreement; mortgage insurance contract. “Loan insurance agreement,” “mortgage insurance agreement” or “mortgage insurance contract” means an agreement pursuant to which the authority insures payment of a mortgage loan pursuant to chapter 110, subchapter II, and also means an agreement pursuant to which the au-

thority insures or guarantees an insured certificate, if the authority’s loan insurance liability for insuring an insured certificate is in lieu of and not in addition to its liability for insuring that portion of a mortgage loan represented by the insured certificate.

Sec. 3. 10 MRSA §973, as amended by PL 1989, c. 698, §8, is further amended to read:

§973. Conflicts of interest

Notwithstanding Title 5, section 18, subsection 1, paragraph B, each member of the authority, each member of the Natural Resource Financing and Marketing Board, each member of the Maine Veterans’ Small Business Loan Board, each member of the Maine Education Assistance Board and each employee, contractor, agent or other representative of the authority is deemed an “executive employee” solely for purposes of Title 5, section 18, and for no other purpose, provided that the chief executive officer ~~shall~~ in addition ~~be~~ is deemed an “executive employee” for purposes of Title 5, section 19. ~~In addition, Title 17, section 3104, shall be applicable, in accordance with its provisions, does not apply to all any of such those representatives of the authority.~~

Sec. 4. 10 MRSA §1021, as amended by PL 1985, c. 344, §41, is further amended to read:

§1021. Credit of State pledged

The authority may insure the payment of mortgage loans, secured by eligible projects, and may insure or guaranty insured certificates, and to this end the faith and credit of the State is pledged, consistent with the terms and limitations of the Constitution of Maine, Article IX, Sections 14-A and 14-D and such further limitations as may be provided by this subchapter.

Sec. 5. 10 MRSA §1024, sub-§2, ¶B, as amended by PL 1987, c. 846, §7, is further amended to read:

B. In the amount required, but not exceeding in the aggregate at any one time outstanding the amount set forth in:

(1) The Constitution of Maine, Article IX, Section 14-A, as it may be from time to time amended, except that bonds issued under that section and this subsection ~~shall~~ may not exceed in the aggregate at any one time outstanding the principal amount of \$87,500,000 \$90,000,000; and

(2) The Constitution of Maine, Article IX, Section 14-D, as it may be from time to time amended, except that bonds issued under that section and this subsection ~~shall~~ may not ex-