

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PRIVATE AND SPECIAL 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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ing, at least 7 days prior to the hearing. The rules ~~shall~~ be effective 45 days from the date on which notice of such rulemaking is sent to the ~~City Managers~~ city managers of Portland and South Portland, addressed to the ~~City Councils~~ city councils of the cities, unless either ~~City Council~~ city council takes official action disapproving the rule or rules, in whole or in part, prior to the expiration of the 45-day period. All rules of the commission ~~shall~~ remain in effect until repealed or amended, as provided in this section, or when limited by the terms ~~thereof~~ of this section. When the commission determines that an emergency involving the public health, safety or welfare requires that a rule take effect immediately, it may ~~promulgate~~ adopt that rule with immediate effect upon notice to the ~~City Councils~~ city councils and such findings ~~shall be~~ are conclusive, provided that the reasons constituting the emergency are set forth ~~therein in the notice~~. Such emergency rules ~~shall be effective for not more than 14 days, unless extended after a public hearing after 7 days' prior published notice. In no case shall may such rule be extended for a period in excess of 60 days from the date originally promulgated~~ adopted and the rule ~~shall expire~~ expires immediately upon disapproval by either ~~City Council~~ city council.

**Sec. 3. P&SL 1981, c. 98, §7, sub-§1** is amended to read:

**1. Harbor master and deputy; appointment.** The rules of the commission ~~shall~~ must be enforced and carried out by a harbor master and one or more deputy harbor masters appointed by the commission. Rules of the commission may be enforced and carried out by Portland and South Portland police officers as provided in subsection 4. It shall be is the duty of the harbor master or his the harbor master's deputies to collect in the name of the commission all penalties incurred for the violation of such rules and the money so received shall be applied by the commission to carry out the purpose of this Act. The appointment of the harbor master and of any deputy harbor master ~~shall be is~~ by the commission pursuant to rules of the commission adopted pursuant to section 6. The persons so appointed ~~shall receive~~ are entitled to compensation fixed by rules of the commission as provided in section 6. Each deputy ~~shall have~~ has all the powers and authority of the harbor master. The harbor master and deputies ~~shall~~ hold office for a term of one year from the date of approval of the appointment, but either may be removed by the commission at any time during such term, for cause, after notice and an opportunity to be heard. The commission shall fill any vacancy only for the remainder of the term, provided that such appointment ~~shall be is~~ approved by the ~~City Councils~~ city councils.

**Sec. 4. P&SL 1981, c. 98, §7, sub-§4** is enacted to read:

**4. Enforcement.** In addition to their powers as police officers, Portland or South Portland police offi-

cers have all the powers conferred upon the Portland harbor master by state law, municipal ordinance, this Act or rules adopted pursuant to this Act, except that police officers may not exercise the powers of harbor masters to assign moorings under the Maine Revised Statutes, Title 38, section 3. Police officers from Portland or South Portland may exercise these powers anywhere within Portland Harbor. Nothing in this section may be construed to limit the authority granted by state law to harbor commissions, harbor masters, deputy harbor masters or police officers.

**Sec. 5. P&SL 1981, c. 98, §10** is amended to read:

**Sec. 10. Appropriations and budget approval by cities.** Each city may appropriate or lend such money or contribute such services for the use of the commission as it ~~deems~~ considers reasonable and proper to further the purposes of this Act. The commission's fiscal year ~~shall run~~ runs from July 1st to June 30th. The commission shall submit its annual budget to the Portland City Council and the South Portland City Council no later than March 1st of each year. Each city must act upon the commission's budget prior to July 1st. Unless approved by the city council of each city, the commission may not spend more money than the amount authorized in its approved budget. Any surplus at the end of the fiscal year may not lapse but must be carried forward and accounted for by the commission in its next budget submission.

**Sec. 6. P&SL 1989, c. 61, §§2 and 3** are repealed.

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

Effective June 4, 1993.

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## CHAPTER 35

H.P. 1020 - L.D. 1366

### An Act to Undedicate Certain Revenues of the Department of Environmental Protection

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

**Sec. 1. Funding source study.** The Commissioner of Environmental Protection shall conduct a study on the present mix of funding from Federal Expenditures, Other Special Revenue and the General Fund for the Department of Environmental Protection. This study must identify the specific funding resources, the historical context in which those resources were established and the amounts that would be affected if all dedicated revenues were undedicated as General Fund revenues.

The Commissioner of Environmental Protection shall submit a report on this study by January 4, 1994 to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Energy and Natural Resources.

See title page for effective date.

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## CHAPTER 36

### S.P. 411 - L.D. 1287

#### **An Act to Provide for the Combination of Cary Medical Center and The Aroostook Medical Center in Central Aroostook County**

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

**Whereas**, declining hospital patient volumes, difficulties in recruiting and retaining skilled physicians and other health care professionals and the increased costs of providing health care have placed and will continue to place the availability and accessibility of quality health care at significant risk, particularly in the rural areas of the State; and

**Whereas**, immediate efforts aimed at ensuring that quality health care continues to be available and accessible to the people of the State should be encouraged; and

**Whereas**, approximately 80% of the citizens of Caribou voting at the November 1992 general election voted in favor of a proposal that would authorize the Caribou City Council, acting in the best interests of the city, to pursue the creation of a new nonprofit health care organization by affiliating municipally owned and operated Cary Medical Center with The Aroostook Medical Center; and

**Whereas**, the proposed affiliation of Cary Medical Center and The Aroostook Medical Center presents a unique and significant opportunity to ensure the continued availability and accessibility of quality health care to the people of Aroostook County by enhancing, among many other things, the financial viability of the affiliated hospitals, strengthening their ability to recruit skilled physicians and other health care professionals, avoiding costly duplication of equipment and services and facilitating coordinated health care planning for the area; and

**Whereas**, time is of the essence since, following enactment of this legislation, substantial time-consuming planning and approvals will be required before an affiliation is implemented; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Con-

stitution 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. P&SL 1953, c. 12, §4**, as amended by P&SL 1975, c. 120, §1, is further amended by adding at the end a new paragraph to read:

Notwithstanding any other provision of this charter, the purposes of the district include the transfer of the assets and liabilities of the district to a nonprofit, nonstock private corporation formed pursuant to the Maine Revised Statutes, Title 13-B for the purpose of unifying the operations of Cary Medical Center and The Aroostook Medical Center in one or more affiliated nonprofit, nonstock private corporations as provided in section 8.

**Sec. 2. P&SL 1953, c. 12, §8**, as repealed and replaced by PL 1973, c. 788, §A, §1, is amended by adding at the end a new paragraph to read:

Notwithstanding the foregoing, the district may transfer its assets and liabilities to a new nonprofit, nonstock private corporation formed pursuant to the Maine Revised Statutes, Title 13-B for the purpose of unifying the operations of Cary Medical Center and The Aroostook Medical Center in one or more affiliated nonprofit, nonstock private corporations formed pursuant to Title 13-B. The transfer may occur only if all indebtedness of the district is paid, or adequate provision for the payment of that indebtedness is made, including without limitation the assumption of liabilities and indebtedness by the transferee corporation, and only if the trustees of the district approve of the transfer and the Caribou City Council votes to terminate any lease between the City of Caribou and the district.

**Sec. 3. Combination of institutions under common ownership or control; transfers authorized.**

The Caribou Hospital District and the City of Caribou are each authorized to transfer the assets and liabilities associated with Cary Medical Center, formerly operated by the city, to a nonprofit, nonstock private corporation, referred to in this Act as the "transferee corporation." The transferee corporation must be formed pursuant to the Maine Revised Statutes, Title 13-B for the purpose of acquiring the operations of Cary Medical Center in connection with a combination, under common ownership or control, of the operations of The Aroostook Medical Center, either in the transferee corporation or in one or more affiliated nonprofit, nonstock private corporations formed pursuant to Title 13-B.

The transfer of assets and liabilities of the Caribou Hospital District may occur only if approved by the board of trustees of the Caribou Hospital District and only if the Caribou City Council votes to terminate any lease