

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

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.

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

that may exist between the city and the district. The transfer of assets and liabilities from the City of Caribou may occur only if approved by the city council. The transfer of assets and liabilities of The Aroostook Medical Center to the transferee corporation, the merger of The Aroostook Medical Center with the transferee corporation or the combination of The Aroostook Medical Center and the transferee corporation under common ownership or control may occur only if approved by the board of directors and members of The Aroostook Medical Center. A transfer or acquisition of assets or other consolidation, merger, affiliation or combination of facilities, services, staff or operations undertaken pursuant to this section does not violate the Maine Revised Statutes, Title 10, chapter 201.

If, on or before December 31, 1998, the board of directors of the transferee corporation votes to dissolve or cease to operate the hospital facilities in the City of Caribou that were transferred to the transferee corporation by the Caribou Hospital District and the City of Caribou, then the Caribou City Council has the option, exercisable within 6 months, to have those hospital facilities reconveyed to the city, subject to the liabilities associated with the facilities, including the assumption or repayment of not more than \$3,338,000 in principal amount of long-term debt associated with the facilities, whether or not that debt has been refinanced from time to time, to the extent that the debt has not actually been repaid by the transferee corporation.

Sec. 4. Legislative intent. In light of the rural nature of Aroostook County, the state of its economy, the difficulty of attracting and retaining physicians and other specialized health care professionals to the area, the close proximity of Cary Medical Center and The Aroostook Medical Center, the high cost of advanced medical technology, equipment and facilities, the risks to the availability and accessibility of quality health care in Aroostook County and the numerous opportunities that exist for operational improvements, efficiencies, cooperation and increased utilization of resources and equipment between the 2 institutions, the Legislature finds that the public benefits to be derived from the combination of Cary Medical Center and The Aroostook Medical Center authorized in this Act substantially outweigh any disadvantages that might result from any decrease in or elimination of competition, to the extent it may exist, between the 2 institutions and intends that this Act be construed to provide the full benefit of state action immunity under federal antitrust laws for the combination of Cary Medical Center and The Aroostook Medical Center under common control or ownership and any actions taken to effect that combination.

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

Effective June 7, 1993.

CHAPTER 37

H.P. 1072 - L.D. 1438

An Act to Reapportion Maine School Administrative District Number 30

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, Maine School Administrative District Number 30 has submitted a request to the Commissioner of Education pursuant to the Maine Revised Statutes, Title 20-A, section 1255 for a determination of whether the district's board of directors is apportioned in accordance with the principle of one person, one vote; and

Whereas, the Commissioner of Education has determined that the district's current representation is not apportioned according to the principle of one person, one vote; and

Whereas, a local reapportionment committee has met and approved a reapportionment plan that involves a system of weighted voting with 2 or more directors from the Town of Lee; and

Whereas, that plan has been approved by the Commissioner of Education; and

Whereas, the Maine Revised Statutes, Title 20-A, section 1253, subsection 2, paragraph A, subparagraph (1) and Title 20-A, section 1255 contain mutually inconsistent provisions concerning the terms of office of the current school directors that can not both be complied with; 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. Reapportionment of board of directors, Maine School Administrative District Number 30. The board of directors of Maine School Administrative District Number 30 is reapportioned according