

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

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

Sec. 1. 19 MRSA §753 is enacted to read:

§753. Court authority to approve alternative dispute resolution processes

1. Appointment of referee. The court may appoint a referee in any proceeding for paternity, divorce, judicial separation or modification of existing judgments brought under this Title:

A. When the parties agree the case may be tried before a referee; or

B. Upon motion demonstrating exceptional circumstances that require a referee.

2. Payment for services. Payment for the services of the referee is the responsibility of the parties, as ordered by the court. If the court finds that either or both of the parties are indigent, the court may pay the reasonable costs and expenses of the referee.

3. Referee's report. If all parties waive their right to object to acceptance of the referee's report, the court shall immediately enter judgment on the referee's report without a further hearing.

Sec. 2. Preparation of recodification of the Maine Revised Statutes. The Office of the Revisor of Statutes and the Office of Policy and Legal Analysis shall jointly prepare a bill for submission by the Joint Standing Committee on Judiciary to the Second Regular Session of the 117th Legislature that recodifies the Maine Revised Statutes, Title 19. The Joint Standing Committee on Judiciary is authorized to report to the Second Regular Session of the 117th Legislature one or more bills providing substantive revisions of Title 19.

The Office of the Revisor of Statutes and the Office of Policy and Legal Analysis shall invite the participation of the following in preparing the recodification and suggested revisions:

1. The Family Law Section of the Maine State Bar Association;
2. The Department of Human Services, Bureau of Child and Family Services;
3. The Department of Human Services, Bureau of Income Maintenance, Division of Support Enforcement and Recovery;
4. The Judicial Department; and
5. Any other individuals, agencies or organizations that may contribute to the process of recodifying and proposing possible revisions of Title 19.

The chairs of the Joint Standing Committee on Judiciary shall oversee the preparation of the legislation. The Office of the Revisor of Statutes and the Office of Policy and Legal Analysis shall keep the chairs apprised of the work pursuant to this section.

The Office of the Revisor of Statutes and the Office of Policy and Legal Analysis shall provide a copy of legislation drafted pursuant to this section to the members of the Joint Standing Committee on Judiciary no later than November 1, 1995.

Sec. 3. Review and recommendations by the Family Law Section of the Maine State Bar Association. The Family Law Section of the Maine State Bar Association shall review the language and principles proposed in Legislative Document 1468, and shall report back to the Joint Standing Committee on Judiciary by December 1, 1995 with recommendations, including any legislative recommendations, to be incorporated into the committee's deliberations on the bill prepared pursuant to section 2 of this Act. The Family Law Section shall include, to the extent practicable, the sponsors and interested parties in the review and recommendation process.

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

Effective July 3, 1995.

CHAPTER 485

H.P. 1035 - L.D. 1454

**An Act to Make Changes in the Law
Establishing the Maine School of
Science and Mathematics**

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

Sec. 1. 20-A MRSA §8201, as enacted by PL 1993, c. 706, Pt. A, §4, is amended to read:

§8201. School established

The Maine School of Science and Mathematics is established as a public, chartered school pursuant to this chapter for the purpose of providing certain high-achieving high school students with a challenging educational experience. The school is a body politic and corporate and is an instrumentality and agency of the State. The exercise by the school of the powers conferred by this chapter is the performance of an essential public function by and on behalf of the State.

Sec. 2. 20-A MRSA §8205, sub-§§1, 3, 15 and 16, as enacted by PL 1993, c. 706, Pt. A, §4, are amended to read:

1. Policies and bylaws. To develop and adopt policies and rules, including bylaws, necessary or useful for the operation of the school;

3. Financial management. To appoint a treasurer, who need not be a member of the board of trustees, and to accept donations, bequests or other forms of financial assistance for any educational purpose from a public or private person or agency and to comply with rules and regulations governing grants from the Federal Government or from any other person or agency;

15. Benchmarks and assessments. To establish benchmarks and methods of assessing progress in the levels of academic achievement in mathematics and science for students who participate in school programs and to establish benchmarks and methods of assessing progress in the professional development of teachers who participate in school programs; ~~and~~

16. Report. To report biennially to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters on the results of the assessment in subsection 15 by the board of trustees and the general status of the school;

Sec. 3. 20-A MRSA §8205, sub-§§17 and 18 are enacted to read:

17. Sue or be sued. To sue or be sued in the name of the school; and

18. Other. To do any other act necessary or useful for carrying out its powers, duties or purposes.

Sec. 4. 20-A MRSA §8207 is enacted to read:

§8207. Financing authority

The board of trustees may borrow funds, issue bonds and negotiate notes and other evidences of indebtedness or obligations of the school for renovation and construction purposes to pay for costs as defined in Title 22, section 2053, subsection 3 and may issue temporary notes and renewal notes to pay for those costs. Bonds, notes or other evidences of indebtedness or obligations of the school are legal obligations of the school payable solely from its revenues and other sources of funds, including funds obtained pursuant to Title 22, section 2053, subsection 4-B, paragraph B, and do not constitute a debt or liability and those bonds and notes are not includable in any debt limitation of the State or any municipality or political subdivision of the State. The board of

trustees has the discretion to fix the date, maturities, denomination, interest rate, place of payment, form and other details of the bonds or notes of the school. Unless otherwise provided in the vote authorizing their issuance, bonds or notes of the school are signed by the treasurer and countersigned by the chair of the board of trustees. The aggregate principal amount of outstanding bonds, notes or other evidences of indebtedness of the school may not exceed \$3,000,000 at any one time, excluding temporary notes and renewal notes. The board of trustees may pledge or assign its revenues, including any funds that have been or may be appropriated to the school by the Town of Limestone, and the proceeds of those revenues as security toward its bonds, notes, other evidences of indebtedness or other obligations of the school. The proceeds of bonds, notes or other evidences of indebtedness may be invested in accordance with Title 30-A, sections 5706 and 5712. Bonds, notes and other evidences of indebtedness issued under this section are not debts of the State, nor a pledge of the credit of the State, but are payable solely from the funds of the school.

See title page for effective date.

CHAPTER 486

H.P. 712 - L.D. 969

An Act to Ensure the Continuation of Current Hospice Services

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

Sec. 1. 22 MRSA §8622, sub-§5, as enacted by PL 1993, c. 692, §1, is amended to read:

5. Medicare certification and requirements. ~~An inpatient hospice facility~~ Beginning July 1, 1996 any hospice program except a volunteer hospice program must be Medicare-certified and meet Medicare requirements to be eligible for licensure as a hospice program.

Sec. 2. PL 1993, c. 692, §3 is amended to read:

Sec. 3. Exception. Notwithstanding the Maine Revised Statutes, Title 22, section 8622, subsection 5, the licensed nursing facility in the City of Auburn that offers inpatient hospice services under the name Clover Hospice is eligible for licensure as a hospice if:

1. The facility does not expand its inpatient hospice services;