

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

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;

2. The facility continues to meet nursing facility licensing rules; and

3. The facility meets all hospice licensing standards except the requirement that inpatient services be offset with a specified level of in-home services.

This section is repealed ~~January~~ July 1, 1996.

Sec. 3. Rulemaking. Beginning July 1, 1996 the rules and principles of reimbursement for inpatient hospice services through Medicaid must be consistent with the requirements of the Medicare program as long as reasonable and adequate inpatient hospice services for hospice patients that are Medicaid eligible but not Medicare eligible will be reimbursed under the Medicaid program.

See title page for effective date.

CHAPTER 487

S.P. 194 - L.D. 503

An Act Regarding Fees Assessed by the Maine Land Use Regulation Commission for Changes within a Development District

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

Sec. 1. 12 MRSA §685-B, sub-§2, ¶B, as amended by PL 1993, c. 410, Pt. U, §1, is further amended to read:

B. The fee prescribed by the commission rules, that fee to be a minimum of \$50 but no greater than 1/4 of 1% of the total development costs, except that the fee for subdivision applications is \$300 per lot. Zoning petitions submitted by other than a state or federal agency range from \$50 to \$500 depending on size and complexity. The fees apply to all amendments except for minor changes to building permits. A fee may not be assessed for a petition that seeks to change an area's designation under section 685-A from a management district to a development district;

See title page for effective date.

CHAPTER 488

H.P. 959 - L.D. 1348

An Act to Reform the Process of Periodic Review of Programs and Agencies

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

Sec. 1. 3 MRSA c. 33, as amended, is repealed.

Sec. 2. 3 MRSA c. 35 is enacted to read:

CHAPTER 35

STATE GOVERNMENT EVALUATION

§951. Short title

This chapter may be known and cited as the "State Government Evaluation Act."

§952. Scope

This chapter provides for a system of periodic review of agencies and independent agencies of State Government in order to evaluate their efficacy and performance. Only those agencies, independent agencies or parts of those agencies and independent agencies that receive support from the General Fund or that are established, created or incorporated by reference in the Maine Revised Statutes are subject to the provisions of this chapter. The financial and programmatic review must include, but is not limited to, a review of agency management and organization, program delivery, agency goals and objectives, statutory mandate and fiscal accountability.

§953. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Agency. "Agency" means a governmental entity subject to review pursuant to this chapter, but not subject to automatic termination.

2. Committee or committee of jurisdiction. "Committee or committee of jurisdiction" means the joint standing committee of the Legislature having jurisdiction over the same policy and substantive matters as an agency subject to review under this chapter.

3. Independent agency. "Independent agency" means a governmental entity subject to review and to termination pursuant to this chapter.

§954. Designation by legislative policy committee

1. Authorization. On or before April 1st of any first regular session, the committee of jurisdiction shall review the list of agencies scheduled for review in section 959.