

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

(2) The guardian of an adult incompetent patient, if any is known; or

(3) The spouse or adult next of kin of an adult competent patient, if any is known, unless the patient requests in writing that the notice not be given or unless the patient was transferred from or will be returned to a state correctional facility.

B. The ~~state mental health institute~~ hospital is not liable when good faith attempts to notify parents, spouse or guardian have failed.

See title page for effective date.

CHAPTER 497

H.P. 1110 - L.D. 1558

An Act to Deregulate the Costs and Revenues Associated with Acute Care Provided to Involuntarily Committed Patients within the Hospital Care Finance System

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

Sec. 1. 22 MRSA §382, sub-§7-A is enacted to read:

7-A. Involuntarily committed patient. "Involuntarily committed patient" means a patient who is admitted for acute care to a hospital that is not a state mental health institute and whose care is authorized by the Department of Mental Health and Mental Retardation under a contract to provide acute care services to class members in Bates v. Glover, No. CV-89-88 (Maine Superior Court, Kennebec County). A patient remains classified as an involuntarily committed patient only during those periods of the hospital stay when the patient's care is authorized by the Department of Mental Health and Mental Retardation.

Sec. 2. 22 MRSA §395, sub-§4, as enacted by PL 1983, c. 579, §10, is amended to read:

4. Medical record abstract data. In addition to the information required to be filed under section 394 and pursuant to rules adopted by the commission for form, medium, content and time of filing, each hospital shall file with the commission such medical record abstract data as the commission may prescribe, including data relating to involuntarily committed patients whose care is authorized by the Department of Mental Health and Mental Retardation.

Sec. 3. 22 MRSA §396, sub-§2, as repealed and replaced by PL 1989, c. 588, Pt. A, §9, is amended to read:

2. Criteria. Subject to more specific provisions contained in this subchapter, the revenue limits and apportionment methods established by the commission ~~shall~~ **must** ensure that:

A. The financial requirements of a hospital are reasonably related to its total services;

B. A hospital's patient service revenues are reasonably related to its financial requirements; ~~and~~

C. Rates are set equitably among all payors, purchasers or classes of purchasers of health care services without undue discrimination or preference;

D. The costs of providing acute care to involuntarily committed patients are not included in the financial requirements of a hospital, nor are the revenues received from providing the care considered in calculating a hospital's patient service revenue limits. In addition, the services provided to involuntarily committed patients may not be considered in determining the volume of cases or discharges for purposes of adjusting financial requirements; and

E. Rates charged to patients who receive services similar to those provided to involuntarily committed patients but whose care is not authorized by the Department of Mental Health and Mental Retardation are comparable to rates charged for authorized care provided to involuntarily committed patients.

Sec. 4. 22 MRSA §396-D, sub-§4, ¶A, as enacted by PL 1983, c. 579, §10, is amended to read:

A. In determining payment year financial requirements, the commission shall consider the reasonable expected impact on the hospital's financial requirements of changes in the volume of services required to be provided by the hospital. During any time that payments to hospitals are made under the federal disproportionate share to hospitals formula, the commission shall exclude the cost of services provided to involuntarily committed patients.

Sec. 5. 34-B MRSA §1207, sub-§1, ¶B-2 is enacted to read:

B-2. Information consisting of data relating to involuntarily committed patients whose care is authorized by the department must be disclosed by admitting hospitals to the Maine Health Care Finance Commission for the purpose of comply-

ing with the hospitals' obligations under Title 22, section 395:

See title page for effective date.

CHAPTER 498

H.P. 1133 - L.D. 1577

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$58,900,000 to Match up to \$138,000,000 in Federal Funds for Improvements to Highways, State and Local Bridges, Airports and Ports

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds to match available federal funds for highway, bridge, airport and port improvements.

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

PART A

Sec. A-1. Authorization of bonds to provide for highway, bridge, airport and port improvements. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$58,900,000 to raise funds to match, in whole or in part, available federal funds for surface, port and air transportation improvements as authorized by section 6. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 20 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. A-2. Records of bonds issued to be kept by the Treasurer of State. The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. A-3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State

and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in section 6 lapse to the debt service account established for the retirement of these bonds.

Sec. A-4. Interest and debt retirement.

The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

Sec. A-5. Disbursement of bond proceeds.

The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the Commissioner of Transportation.

Sec. A-6. Allocations from General Fund and Highway Fund bond issues. The following proceeds of the sale of bonds must be expended as designated in the following schedule.

	1995-96	1996-97
TRANSPORTATION, DEPARTMENT OF General Fund		
Airport improvements	\$500,000	\$2,000,000
Cargo port improvements	7,000,000	8,000,000
Intermodal Transportation Improvements	1,250,000	1,250,000
Commercial Harbor Improvements		2,500,000
General Fund Total	\$8,750,000	\$13,750,000
Highway Fund		
Highway and bridge improvements	\$25,400,000	\$6,000,000
Collector Road Improvement Fund		5,000,000
Highway Fund Total	\$25,400,000	\$11,000,000

Sec. A-7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Part.

Sec. A-8. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

Sec. A-9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Part, are deauthorized and