

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

**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**  
**1995**

**§264. Inspection and condemnation**

1996-97

**1. Sale of property; proceeds.** The Adjutant General shall designate an officer to inspect military property, real and personal, and may condemn any inspected property that the Adjutant General determines to be unfit for use by the military. Property condemned under this subsection may be sold by the Adjutant General. Real property condemned under this subsection may not be sold for less than its appraised value as determined by a person licensed as a real estate appraiser under Title 32, chapter 123.

All proceeds from the sale of condemned property must be paid into the State Treasury and credited to the Capital Repair Account of the Military Bureau established under section 154.

**2. Designation of property; sale.** The Adjutant General may sell an armory or other real property of the Military Bureau if the Adjutant General has:

- A. Completed the appraisal required under subsection 1; and
- B. Except as provided in subsection 3, obtained approval of the Legislature to sell that armory or other real property. For the purposes of this subsection, the term "approval of the Legislature" means the enactment by the Legislature and signing by the Governor of a resolve authorizing the sale of that armory or other real property.

All proceeds of the sale of an armory or other real property under this subsection must be paid into the State Treasury and credited to the Capital Repair Account of the Military Bureau established under section 154.

**3. Exceptions; authorization to sell.** Notwithstanding subsection 2, paragraph B, the Adjutant General is authorized to sell the following armories:

- A. The Brunswick Armory;
- B. The Newport Armory;
- C. The Rumford Armory;
- D. The Sanford Armory; and
- E. The South Portland Armory.

**4. Easements and rights-of-way.** Notwithstanding subsection 2, the Adjutant General may, with written approval of the Governor, grant easements and rights-of-way on real property held by the Military Bureau.

**Sec. 4. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

**DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF  
Capital Repair Account**

Capital Expenditures	\$500,000
Provides authorization to make expenditures from the Capital Repair Account to undertake capital repair projects.	

**Sec. 5. Effective date.** That section of this Act that enacts the Maine Revised Statutes, Title 37-B, section 152 takes effect on July 1, 1997.

See title page for effective date, unless otherwise indicated.

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**CHAPTER 685**

**H.P. 1291 - L.D. 1773**

**An Act to Ensure the Continued Stability of Services for Persons with Mental Retardation**

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

**Whereas,** agencies providing services to people with mental retardation are facing severe increases in workers' compensation insurance rates due to a reclassification of the worksites; and

**Whereas,** current reimbursement for services being provided by these agencies is not adequate to pay the increased workers' compensation insurance rates; and

**Whereas,** the Department of Mental Health and Mental Retardation has failed to develop a plan to resolve this problem; and

**Whereas,** some agencies face the possibility of closure due to their inability to make payment of their workers' compensation insurance premiums; 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. 34-B MRS §5481** is enacted to read:

**§5481. Rates for fee-for-service programs**

**1. Agencies providing service.** Beginning July 1, 1996, all rates for fee-for-service or grant-in-aid programs paid by the Department of Mental Health, Mental Retardation and Substance Abuse Services to private agencies providing services to individuals with mental retardation must consist of 2 parts.

A. The first part of the rate must be based upon negotiations between the department and the individual agency for projected costs to provide that service.

B. The 2nd part of the rate must reflect reimbursement for any increase in the cost of workers' compensation insurance over the cost in fiscal year 1995-96. This 2nd part must be adjusted annually upon renewal of the insurance. In this second part, providers that receive an experience modification rating of less than 1.0 must be paid 1/2 of any cost decrease attributable to their having received that experience rating. Providers that receive experience modification ratings between 1.0 and 1.39 and have loss prevention plans in place must be paid the full amount of any cost increase. Providers that receive experience modification ratings of 1.4 or greater and have loss prevention plans in place must be paid 1/2 of the cost increase.

**Sec. 2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1996-97

**MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF**

**Medicaid Services - Mental Retardation**

All Other \$156,000

Appropriates funds to support the net increase in the cost of workers' compensation insurance for certain agencies.

**Mental Retardation Services - Community**

All Other \$9,000

Appropriates funds to support the net increase in the cost of

workers' compensation insurance for certain agencies.

**DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES**

**TOTAL** \$165,000

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

Effective April 11, 1996.

**CHAPTER 686**

**H.P. 1287 - L.D. 1767**

**An Act to Revise the Sunrise Review Process for Occupational and Professional Regulation**

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

**Sec. 1. 5 MRSA §12015, sub-§3,** as enacted by PL 1985, c. 748, §13, is repealed and the following enacted in its place:

**3. Sunrise review required.** Any joint standing committee of the Legislature that considers proposed legislation to establish a board to license or otherwise regulate an occupation or profession not previously regulated or to substantially expand regulation of an occupation or profession currently regulated shall evaluate whether the occupation or profession should be regulated or further regulated. For the purposes of this section, "substantially expand regulation" means to add a new regulatory category or to expand the scope of practice for current practitioners. In order to evaluate this legislation, the joint standing committee shall, without a public hearing, briefly and informally review legislation referred to the committee that proposes a new occupational or professional board or substantial expansion of regulation and an applicant's answers pertaining to evaluation criteria as required by Title 32, section 60-J. Following this informal review, the committee shall:

A. Immediately hold a public hearing to accept information addressing the evaluation criteria listed in Title 32, section 60-J from any professional or occupational group or organization, any individual or any other interested party who is a proponent or opponent of the legislation;

B. Request that the Commissioner of Professional and Financial Regulation conduct an independent assessment of the applicant's answers to the evaluation criteria listed in Title 32, section