

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

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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
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Poland. A meeting must be called and held in each municipality for the purpose of voting on May 6, 1995. The meeting must be called, advertised and conducted according to the laws related to municipal elections, except that any state or local election provision that would delay the meeting beyond May 6, 1995 does not apply. The boards of voter registration must be in session on the secular day next preceding the meeting. The town clerks of the towns shall prepare the required ballots on which the town clerks shall reduce the subject matter of this Act to the following question:

"Do you favor joining the community school district for grades 7-12 as provided for in the Act to Authorize the Towns of Mechanic Falls, Minot and Poland to Form a Community School District with any combination of at least 2 towns passed by the 117th Legislature?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

This Act takes effect for all purposes after its acceptance by a majority of the legal voters voting on the question in each of the member towns and the declaration of the Commissioner of Education.

Effective pending referendum.

CHAPTER 14

S.P. 184 - L.D. 493

An Act to Amend Certain Powers of Hospital Administrative District No. 4

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

Whereas, Hospital Administrative District No. 4 was created by law to provide health care services and any amendment to the charter of the hospital district must be made by an Act of the Legislature; and

Whereas, to continue to provide a high quality of health service in the prevailing health care environment, the district's charter must be amended to allow it to extend its services and facilities to any persons and areas that it may competitively serve; and

Whereas, such authorization will enable the district to maintain a high quality of health service at a reasonable and competitive cost in the market; 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. P&SL 1973, c. 76, §1, as repealed and replaced by P&SL 1987, c. 85, §1, is amended to read:

Sec. 1. Incorporation; purposes. The inhabitants of the territory within the Towns of Monson, Abbot, Parkman, Willimantic, Guilford, Sangerville, Dover-Foxcroft, Sebec and Atkinson and the Plantation of Barnard all in the County of Piscataquis, the Town of Cambridge in the County of Somerset, and the Towns of Dexter and Bradford in the County of Penobscot, or any combination of the towns and plantations, are constituted and confirmed a body politic and corporate to be known as "Hospital Administrative District No. 4" in order to provide for the health, welfare and public benefit of the inhabitants of the district and any persons outside the district who may seek or require medical care. The hospital district shall acquire or construct, extend and improve a regional general hospital system, including, but not limited to, acute care facilities, extended care facilities, intermediate care facilities, freestanding satellite facilities and facilities designed for utilization as offices by physicians, to be located in a place or places either within the district or elsewhere for the care of the inhabitants of the district and those persons outside the district who may seek or require medical care, for the purposes of maintaining and operating a hospital system, including, but not limited to, acute care facilities, extended care facilities, freestanding satellite facilities and facilities designed for utilization as offices by physicians, and generally providing for the health and medical needs of the inhabitants of the district and any persons outside the district who may seek or require medical care. Without limiting the generality of this section and subject to pertinent provisions of the Maine Health Care Finance Commission's laws and rules, the district may also establish affiliated organizations, either alone or with others and either within the district or elsewhere, including medical centers, health care centers, nursing centers, laboratories, clinics and other medical, surgical or dental facilities, facilities to provide health-related shared services and such other organizations or entities, on a profit or nonprofit basis, as the district may deem necessary or desirable from time to time, in order to provide, alone or with others, for the health and medical needs of the inhabitants of the district and any persons outside the district who may seek or require medical care. The district may enter into joint

ventures with providers or professionals offering health care services either within the district or elsewhere for the purpose of offering health care services to persons either within the district or elsewhere.

In effectuating any of the purposes of this section or any of the other purposes permitted to be engaged in by the district, the district may, subject to the provisions of this Act, as amended and supplemented from time to time, acquire real or personal property or any interest therein either within the district or elsewhere, on either a temporary or long-term basis by gift, purchase, transfer, foreclosure, lease or otherwise, including rights or easements; hold, manage, operate, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property or any interest therein, or mortgage interest owned by it under its control, custody or in its possession and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired; apply for and accept from any source grants, loans, advances and contributions of money, property, labor or other things of value, to be held, used and applied for permitted purposes; lease or rent any lands, buildings, structures, facilities or equipment from private parties to effectuate the purposes permitted to be engaged in by the district, including construction agreements, purchase or acquisition agreements, partnership agreements, including limited partnership agreements, joint ventures, participation agreements or agreements with leasing corporations or other financial intermediaries.

Sec. 2. P&SL 1973, c. 76, §2, 2nd sentence, as repealed and replaced by P&SL 1987, c. 85, §2, is amended to read:

They shall be responsible for providing, in whole or in part, physical facilities for a hospital system and, where necessary or desirable, physical facilities for affiliated organizations either within the district or elsewhere, equipped and staffed to meet needed health care services for the inhabitants of the district and any persons outside the district who may seek or require medical care.

Sec. 3. P&SL 1973, c. 76, §13, last ¶ is amended to read:

If this Act takes effect by the acceptance as outlined in the preceding paragraph and one or more of the other towns or plantations fails to accept the same, the district shall not include the territory and inhabitants of such other town or plantation and such town or plantation shall have no right to be represented by a director on the board ~~nor be entitled to the benefits hereof~~. It shall, however, have all the rights as though it had originally accepted this Act, if it does so accept this Act before January 1, 1975.

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

Effective April 18, 1995.

CHAPTER 15

S.P. 108 - L.D. 284

An Act Amending the Charter of the Department of Electric Works within the Town of Madison

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, the recent, substantial growth in electric load has substantially increased the operating revenues and expenses of the Madison Department of Electric Works; and

Whereas, an increase in short-term borrowing capacity is required to meet any unanticipated short-term obligations and expenses; 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. P&SL 1975, c. 53, §9 is amended to read:

Sec. 9. Borrowing for current operating expenses. In addition to any other borrowing permitted by law, the Town of Madison, by votes of its municipal officers and the board of directors of its electric works, is authorized to borrow money for current operating expenses and to issue therefor bonds or notes of the town, not to exceed ~~\$50,000~~ \$1,200,000. Said bonds and notes shall be paid in not more than 5 years from their date and shall be legal