

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

CHAPTER 524

S.P. 588 - L.D. 1758

An Act to Authorize Transfer of Property Taxes to the Passamaquoddy Tribe

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

Sec. 1. 36 MRSA §1605, sub-§2-B is enacted to read:

2-B. Indian Township services. On or before October 15th immediately following the date of assessment, the State Tax Assessor shall certify to the fiscal administrator of the unorganized territory the total amount of property tax assessed on reservation out-parcels situated in the Passamaquoddy Tribe reservation at Indian Township in Washington County under authority of section 1602. On October 31st of each year in which the Passamaquoddy Tribe provides governmental services to these reservation out-parcels, the Treasurer of State shall pay to the Passamaquoddy Tribe from the Unorganized Territory Education and Services Fund an amount equal to the property taxes assessed on reservation out-parcels in consideration for any and all governmental services as may be provided by the Passamaquoddy Tribe for the benefit of nonreservation Indian Township property owners. For the purposes of this subsection, "reservation out-parcel" means a parcel of real property situated in Indian Township, assessed by the State and included in the relevant state valuation certified by the State Tax Assessor.

Sec. 2. Retroactivity. This Act applies retroactively to tax years beginning on and after April 1, 1995. The Treasurer of State shall transfer from the Unorganized Territory Education and Services Fund the amount certified by the State Tax Assessor for tax years beginning on and after April 1, 1995.

Sec. 3. Allocation. The following funds are allocated from the Unorganized Territory Education and Services Fund to carry out the purposes of this Act.

	1997-98	1998-99
DEPARTMENT OF AUDIT		
Audit - Unorganized Territory		
All Other	\$18,000	\$6,750
Provides funds to reimburse the Passamaquoddy Tribe for services provided to		

residents of the Unorganized Territory by the Tribe.

See title page for effective date.

CHAPTER 525

S.P. 560 - L.D. 1693

An Act to Amend the Maine Health Data Organization Laws

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

Whereas, funding for the Maine Health Data Organization was established in 1996 on a one-year basis only and expires June 30, 1997; and

Whereas, continuing funding for the organization and authorization to collect and analyze health data is critical to planning and managing the health care delivery system in this State; and

Whereas, emergency legislation is required to provide continuing funding and authorization to collect and analyze health data; 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. 22 MRSA §8702, sub-§4, as enacted by PL 1995, c. 653, Pt. A, §2 and affected by §7, is amended to read:

4. Health care facility. "Health care facility" means a public or private, proprietary or not-for-profit entity or institution providing health services, including, but not limited to, a radiological facility licensed under chapter 160, a health care facility licensed under chapter 405, a home health care provider licensed under chapter 419, a residential care facility licensed under chapter 1665, a hospice provider licensed under chapter 1681, a community rehabilitation program licensed under Title 20-A, chapter 701, a state institution as defined under Title 34-B, chapter 1 and a mental health facility licensed under Title 34-B, chapter 1.

Sec. 2. 22 MRSA §8704, sub-§4, as enacted by PL 1995, c. 653, Pt. A, §2 and affected by §7, is amended to read:

4. Rulemaking. The board shall adopt rules necessary for the proper administration and enforcement of the requirements of this chapter. All rules must be adopted in accordance with Title 5, chapter 375, subchapter II-A and are routine technical rules. ~~Unless otherwise provided in this chapter, all rules adopted by the board are major substantive rules as defined by Title 5, chapter 375, subchapter II-A.~~

Sec. 3. 22 MRSA §8706, sub-§2, as enacted by PL 1995, c. 653, Pt. A, §2 and affected by §7, is repealed and the following enacted in its place:

2. Permanent funding. Permanent funding for the organization is provided from reasonable costs, user fees and assessments according to this subsection and as provided by rules adopted by the board.

A. Fees may be charged for the reasonable costs of duplicating, mailing, publishing and supplies.

B. Reasonable user fees must be charged on a sliding scale for the right to access and use the health data and information available from the organization. Fees may be charged for services provided to the department on a contractual basis. Fees must be waived for the Bureau of Insurance. Fees may be reduced or waived for users that demonstrate a plan to use the data or information in research of general value to the public health or inability to pay the scheduled fees, as provided by rules adopted by the board.

C. Beginning in fiscal year 1997-98, the operations of the organization must be supported from 3 sources as provided in this paragraph:

(1) Fees collected pursuant to paragraphs A and B;

(2) Annual assessments of not less than \$100 assessed against the following entities licensed under Titles 24 and 24-A on the basis of the total annual health care premium: nonprofit hospital and medical service organizations, health insurance carriers, health maintenance organizations and 3rd-party administrators on the basis of administration of health benefits plans administered for employers. The assessments may not exceed \$319,000 for fiscal year 1997-98 and \$325,000 for fiscal year 1998-99. Health care policies issued for specified disease, accident, injury, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance policies are not subject to assessment under this subparagraph. Assessments under this subparagraph must equal the assessments under subparagraph 3; and

(3) Annual assessments of not less than \$100 assessed by the organization against providers. The assessments may not exceed \$320,000 for fiscal year 1997-98 and \$326,000 for fiscal year 1998-99. Assessments under this subparagraph must equal the assessments under subparagraph 2.

The level of annual assessments under subparagraphs (2) and (3) must be based on the difference between the authorized allocation for the fiscal year and the beginning cash balance in the account established pursuant to section 8706, subsection 6. The board may waive assessments otherwise due under subparagraphs (2) and (3) when a waiver is determined to be in the interests of the organization and the parties to be assessed.

Sec. 4. 22 MRSA §8708, sub-§2, as enacted by PL 1995, c. 653, Pt. A, §2 and affected by §7, is amended to read:

2. Additional information on ambulatory services and surgery. Pursuant to rules adopted by the board for form, medium, content and time for filing, each provider shall file with the organization a completed data set, comparable to data filed by health care facilities under subsection 1, ~~paragraph~~ paragraphs A and B, for each ambulatory service and surgery listed in rules adopted pursuant to subsection 4, paragraph A, occurring after January 1, 1990. This subsection may not be construed to require duplication of information required to be filed under subsection 1. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

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

Effective June 12, 1997.

CHAPTER 526

S.P. 623 - L.D. 1826

An Act to Change the Name of the Bureau of Taxation and to Allow Other Agencies of the State to Benefit from Its Services

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

Sec. 1. 12 MRSA §602, sub-§4, as amended by PL 1995, c. 502, Pt. E, §20, is further amended to read: