

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

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**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

## CHAPTER 84

S.P. 726 - L.D. 2046

**An Act to Amend the Powers of  
Hospital Administrative District  
No. 1**

**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,** Hospital Administrative District No. 1 is poised to make capital improvements and renovations to bring the hospital into the 21st century to enable it to better serve the people of its communities; and

**Whereas,** Hospital Administrative District No. 1 needs to embark on these capital improvements and renovations promptly this spring and waiting for summer would unreasonably delay their plans; 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:**

## PART A

**Sec. A-1. P&SL 1967, c. 58, §1,** as repealed and replaced by P&SL 1987, c. 29, §1, is repealed and the following enacted in its place:

**Sec. 1. Incorporation; purposes.** The inhabitants of the territory within the Towns of Mattawamkeag, Howland, Enfield, Burlington, Lowell, Lincoln, Springfield, Lee, Passadumkeag, Chester, Winn and Maxfield, Seboeis Plantation and Webster Plantation are constituted and confirmed a body politic and corporate to be known as "Hospital Administrative District No. 1" in order to provide for the health, welfare and public benefit of the inhabitants of the district. The hospital district shall maintain and operate a hospital or critical access system, including, but not limited to, acute care facilities, long-term care

facilities, assisted living facilities, free-standing satellite facilities, critical access facilities and facilities designed for utilization as offices by physicians and other professionals, and generally provide for the health, welfare and public benefit of the inhabitants of the district. Without limiting the generality of this section, the district may also establish or participate in affiliated organizations, either alone or with others, and within or outside the district, including, but not limited to, medical centers, health care centers, networks, nursing centers, laboratories, clinics and other medical, surgical or dental facilities, shared services organizations and such other organizations or entities, on a for-profit or nonprofit basis, as the district may consider necessary or desirable from time to time in order to provide, alone or with others, for the health, welfare and public benefit of the inhabitants of the district.

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 this Act, as amended and supplemented from time to time, acquire real or personal property, or any interest in that property, 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 in that property, 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; and 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. A-2. P&SL 1967, c. 58, §2,** as amended by P&SL 1987, c. 29, §2, is repealed and the following enacted in its place:

**Sec. 2. Board of directors; powers and duties; limitations.** The district is governed by a board of directors, composed of 2 members from each town, except for Lincoln, which has 3 members. These members are elected by popular vote or appointed by municipal officials at the annual town meeting in each town. The term of office is 3 years and members may serve an unlimited number of consecutive terms. The board of directors shall ensure

that terms are staggered so that approximately 1/3 of its membership is up for election each year.

The board of directors is responsible for carrying out the purposes of the hospital district. The board of directors shall adopt bylaws and policies, meet at regular, stated intervals, appoint necessary committees as indicated for special purposes, establish a formal means of liaison with the hospital medical staff by a joint conference committee and appoint members of the medical staff and a qualified hospital administrator.

Any vacancy on the board of directors that occurs because of resignation or other loss of a member must be filled by appointment by the municipal officers of the town involved, this appointment to be effective until the next town meeting.

Each year the board of directors shall elect a president, a vice-president and a treasurer. Upon appointment of a hospital administrator, the administrator will serve as secretary ex officio for the board of directors. Each member of the board of directors may be paid a fee for each official meeting of the board of directors that the director attends.

**Sec. A-3. P&SL 1967, c. 58, §3, first sentence,** as repealed and replaced by P&SL 1973, c. 201, §1, is amended to read:

To procure funds for capital construction of and equipment for projects reviewed and approved by the appropriate regional and state health planning agencies organized pursuant to ~~the Revised Statutes, Title 22, section 253, law~~ or any bodies succeeding to such function, or for refunding outstanding indebtedness created therefor, the board of directors of said district is authorized, by a vote of not less than a majority of all of said directors, to borrow money from time to time and to issue bonds in the name and on the full faith and credit of the district.

**Sec. A-4. P&SL 1967, c. 58, §3, 2nd sentence,** as enacted by P&SL 1973, c. 201, §1, is amended to read:

To procure funds for any other purpose of the district, other than any expense of operation, or for refunding outstanding indebtedness created therefor, the board of directors of said district is authorized, by a vote of not less than a majority of all of said directors, to borrow money from time to time and to issue bonds in the name and on the full faith and credit of the district; provided the district ~~shall~~ does not incur a total bonded indebtedness pursuant to this sentence at any one time outstanding in excess of ~~\$1,500,000~~ \$7,000,000, provided that all bonding is subject to the requirements of section 3-A.

**Sec. A-5. P&SL 1967, c. 58, §3, last ¶,** as amended by P&SL 1975, c. 36, is further amended to read:

Said bonds, or any notes issued in anticipation of the issuance ~~thereof of bonds,~~ or in anticipation of any taxes levied ~~hereunder~~ under this section, or in anticipation of revenues, ~~shall be~~ are legal obligations of said district, which is ~~hereby~~ declared to be a quasi-municipal corporation within the meaning of the Maine Revised Statutes, Title 30 30-A, section 5053 5701, and all the provisions of said section ~~shall be~~ are applicable ~~thereto to the district.~~ Said bonds and notes ~~shall be~~ are legal investments for ~~savings banks~~ financial institutions organized under Title 9-B.

**Sec. A-6. P&SL 1967, c. 58, §3-A** is enacted to read:

**Sec. 3-A. Requirements for bond issues.** All bond issues are subject to the requirements of this section. The district may not separate portions of a single project into components to evade any monetary limitation imposed by law. Prior to the directors voting to authorize a project proposed to be bonded, the directors shall hold a public informational session on the project in the district. This section is repealed effective January 1, 2002.

**Sec. A-7. P&SL 1967, c. 58, §4,** as repealed and replaced by P&SL 1967, c. 211, §2, is repealed and the following enacted in its place:

**Sec. 4. Referendum on bond issues.** When the directors ~~shall~~ have authorized the issue of any bonds, an attested copy of the vote of the directors ~~shall and explanatory materials about the project to be funded with the bonds must~~ be forthwith filed with the municipal officers of each of the towns within the district and published in a newspaper, having a circulation in the district, not later than 10 days following the day on which the vote was adopted by the directors, together with a statement indicating that such vote will become effective, unless before the expiration of ~~7~~ 30 days from the date on which a copy of the vote was first published, the president or the secretary of the board of directors ~~shall have~~ has received a petition signed by residents representing at least 10% of the ~~residents total votes for Governor cast in the district eligible to vote on the date the directors' vote was adopted in the last gubernatorial election,~~ requesting that the question of whether bonds may be issued by the district be submitted to the voters of the district. Said statement ~~shall~~ must also state the name and address of the president and secretary of the board of directors. A vote of the directors authorizing an issue of bonds under this Act ~~shall~~ does not become effective before the expiration of ~~7~~ 30 days from the date upon which the vote and statement are published. If within said period, a petition, signed by residents

~~representing~~ at least 10% of the ~~residents~~ total votes for Governor cast in the district in the last gubernatorial election and eligible to vote on the date that the issuance of bonds by the directors was adopted as shown by the district's voting list and verified by the clerks of the municipalities, shall be is filed with the president or the secretary of the board of directors, asking that the question of whether such bonds to be issued be submitted to the voters of the district, such vote of the directors ~~shall be is~~ further suspended from becoming effective and the directors shall immediately reconsider such vote. If such vote is not rescinded by the directors, the question of whether such bonds ~~shall may~~ be issued ~~shall must~~ be submitted by the directors to the voters of the district ~~at a special meeting of the qualified voters in the district to be held in said district within 60 days of the receipt of the aforementioned petition for determination by referendum vote in the municipalities. The referendum must be held in the same manner as a general election within 120 days from receipt of the petition. Said special meeting shall be called and held as provided in section 10, except that the notice shall set forth the vote of the directors authorizing said bonds the approval or disapproval of the issue of which is to be submitted to the voters of the district, together with the proposed form of the ballot to be used at such special meeting. At such special meeting a vote on referendum the question of whether such bonds shall may be issued shall must be voted on by ballot, the form of which shall must be substantially as follows:~~

OFFICIAL BALLOT  
HOSPITAL ADMINISTRATIVE DISTRICT NO. 1

Shall bonds of Hospital Administrative District No. 1 be issued in the amount of \$ \_\_\_\_\_, bearing interest not to exceed \_\_\_\_\_ per cent for the purpose of procuring funds for the following purposes, viz: (Insert brief description of purpose for which bonds are to be sold)?

If in favor of bond issue, make a cross (X) or (/) in this square. Yes [ ]

If opposed to the bond issue, make a cross (X) or (/) in this square. No [ ]

~~If a majority of the qualified voters voting at such meeting approve the issue of said bonds, the vote of the directors authorizing said bonds shall become becomes effective; if not so approved, said vote shall be is null and void. The voters qualified to vote at said special meeting shall referendum must be determined by use of the district voting list.~~

**Sec. A-8. P&SL 1967, c. 58, §5,** as repealed and replaced by P&SL 1967, c. 211, §2, is repealed.

**Sec. A-9. P&SL 1967, c. 58, §5-A,** as enacted by P&SL 1987, c. 29, §3, is amended to read:

**Sec. 5-A. Authority to issue notes limited to portion of operating expenses.** In addition to the other powers provided by this Act, the district may, by vote of a majority of its directors and without action by the voters of the district, issue notes of the district to pay expenses of ~~operation the district, including, but not limited to, capital and other expenditures for projects and services not previously carried out by the district operating expenses and capital expenses.~~ Notes issued pursuant to this section ~~shall may~~ not exceed at any one time outstanding more than 10% of the district's operating expenses as set forth in its last audited financial statement and ~~shall otherwise must~~ be commercially reasonable with respect to the length and terms of financing. The authority set forth in this section is in addition to that provided in sections 3, ~~5~~ and 6 of this Act. Notes issued pursuant to this section ~~shall are~~ not be included in the limitations or indebtedness set forth in such other sections, and ~~shall may~~ not be subject to the procedural requirements of those sections. ~~Where applicable, notes issued pursuant to this section shall be subject to section 4 A.~~

**Sec. A-10. P&SL 1967, c. 58, §8, first ¶,** as repealed and replaced by P&SL 1967, c. 211, §2, is amended to read:

**Sec. 8. Hospital rates; sinking fund.** The board of directors shall ~~require all persons hospitalized in any hospital or hospitals of the district to pay to the treasurer of said district the rates established by said board of directors for hospital care establish rates for services provided by the district.~~ The directors may set rates that are lower for inhabitants of the district than for those hospitalized persons who reside outside the district. ~~Such The rates shall must be so established, subject to other provisions of this Act, so as to provide revenue for the following purposes:~~

**Sec. A-11. P&SL 1967, c. 58, §9,** as enacted by P&SL 1967, c. 211, §2, is amended to read:

**Sec. 9. Annual reports and budget; levy of taxes.** The fiscal year of the district ~~shall be is~~ the calendar year. ~~At the close of the fiscal year and not later than January 31st, the directors No later than 30 days after completion of the audit for the fiscal year most recently ended, the board of directors shall annually make a report of their doings, showing the financial condition of the district and other matters pertaining to the district as shall show and showing the inhabitants of the district how said directors are fulfilling the duties and obligations of the respective trusts. The report shall must also include the amount of income from patients and other sources during that fiscal year and also the sum required each year to meet the bonds or notes falling due and what further sum is necessary to meet the interest on said bonds or notes or other obligations of the district and all other~~

expenses necessary for the operation of the district, including temporary loans. ~~Copies of said report shall be filed.~~ The board of directors shall file copies of the report with the municipal officers of each town within the district and may provide a copy of the report for publication in a newspaper of general circulation in the district. ~~If the report is not so published, the municipal officers of each town within the district may be distributed~~ distribute the report to the respective voters ~~of the district by the respective towns in the same manner as is provided for town reports.~~ The cost of printing ~~such the reports shall must~~ be included in the operating budget of the district.

To the extent that the directors may decide that the district ~~cannot~~ can not operate within its income according to the hospital rates set by it, the directors shall determine what sum of money should be raised by taxation for: (a) payment of principal payable in such year on outstanding bonds or notes or other obligations of the district; (b) payment of interest on the indebtedness created or assumed by the district; and (c) other specified expenses of the district; and, if the sum to be raised by taxation exceeds the total of (a) and (b), before the first day of March of each year the directors shall hold a special district ~~budget~~ meeting as provided in section 10. At this special district meeting, the budget ~~shall must~~ be thoroughly explained and the voters of the district ~~shall must~~ be given an opportunity to be heard. If a budget is presented in any given year, it ~~shall be deemed is~~ considered approved except to the extent that it ~~shall have~~ has been disapproved by the voters of the district at the special district ~~budget~~ meeting. The voters of the district ~~shall~~ have the right to disapprove all or any part of the budget presented by the board of directors, except provision for the payment of interest on or the principal of notes or bonds or other obligations of the district. The amount over and above the estimated income of the district required to meet the expenses in the approved budget and the sums included in any budget for the payment of interest on or the principal of notes or bonds or other obligations of the district, ~~shall must~~ be apportioned to the participating towns in the same ratio that each participating town's latest state valuation is to the total state valuation of all participating towns. The directors shall ~~thereupon~~ issue their warrants, in substantially the same form as the warrant of the Treasurer of State for taxes, to the assessors of each participating town, requiring them to assess upon the taxable polls and estates in said town the amount as approved and to commit the assessment to the constable or collector of said town, who ~~shall have~~ has all authority and power to collect said taxes as is ~~in him~~ vested in the constable or collector by law to collect state, county and municipal taxes. Any participating town may use the proceeds from gifts or trust funds allocated for hospital or medical purposes to reduce the actual amount of assessment to the local

taxpayers. In the year in which the tax is so levied, the treasurer of each municipality shall pay the amount of the tax in 2 equal installments to the treasurer of the district. The first installment ~~shall must~~ be paid on or before August 15th and the 2nd installment on or before December 15th. In case of the failure of the treasurer of any participating town to pay any installment or part ~~thereof of an installment~~ thereof on or before the date set forth ~~above in this section~~ in the year in which the said tax is levied, the treasurer of the district shall issue ~~his~~ a warrant for the amount of said tax or so much ~~thereof of the tax as shall then remain~~ remains unpaid to the county sheriff, requiring ~~him~~ the sheriff to levy by distress and sale on the real and personal property of any of the residents of said district living in the town where such default takes place, and the sheriff or any of ~~his~~ the sheriff's deputies shall execute said warrant, except as otherwise provided. The same authority as is vested in county officials for the collection of county taxes under the Maine Revised Statutes is vested in the directors of said district in relation to the collection of taxes within such participating town.

**Sec. A-12. P&SL 1967, c. 58, §10,** as enacted by P&SL 1967, c. 211, §2, is amended to read:

**Sec. 10. Special district meeting.** The board of directors need only call a special district meeting under the specific circumstances expressly described in section 9. When a special district ~~budget~~ meeting is called ~~to approve the hospital budget as prepared by the directors as required by section 9,~~ the directors shall ~~cause~~ conduct such a meeting as follows:

1. Each special district meeting ~~shall must~~ be called by a warrant. The warrant ~~shall must~~ be signed by a majority of the directors.
2. The warrant calling for the special district meeting ~~shall must~~ be as follows:
  - A. It ~~shall must~~ specify the time and place of the special district meeting.
  - B. It ~~shall must~~ set forth the proposed hospital budget or bond question in a manner to be decided by the directors, and no other business may be acted upon.
  - C. It ~~shall must~~ be directed to any resident of the district by name, ordering ~~him~~ the resident to notify the voters within said district to assemble at the time and place appointed.
  - D. An attested copy of the warrant ~~shall must~~ be posted by the person to whom it is directed in some conspicuous public place in each of the municipalities within the district, at least 7 days before the special district meeting.

E. The person who gives notice of the special district meeting shall make ~~his~~ a return on the warrant, stating the manner of notice in each municipality and the time when it was given.

3. The following provisions apply to the budget special district meeting:

A. Each person whose name appears on the district voting list may attend and vote at a special district budget meeting.

B. The president of the directors shall open the special district meeting by call for the election of a moderator, receiving and counting votes for a moderator and swearing in the moderator.

C. As soon as ~~he has been~~ elected and sworn, the moderator shall preside at the special district meeting and ~~he shall have~~ has all the powers granted to the moderator of a town meeting under the Maine Revised Statutes.

D. The secretary of the directors of the district shall record accurately all the votes of the special district meeting.

E. A majority vote of the legal voters present and voting ~~shall~~ must be determinative of any vote or motion placed before said special district meeting.

**Sec. A-13. P&SL 1967, c. 58, §10-B** is enacted to read:

**Sec. 10-B. District voting list.** The board of directors of the district shall appoint a resident of that district to make and keep a voting list of all residents in the district eligible to vote. This person is known as the registration clerk. The registration clerk shall compile a voting list from the voting lists of all towns within the district. At least 2 days before any meeting at which the inhabitants of the district are called upon to vote, the registration clerk shall bring this voting list up to date by comparing the list with those voting lists found in the towns of the district by making such additions and deletions as the registration clerk finds necessary. Additions or deletions may not be made in the 2-day period before that meeting.

**Sec. A-14. P&SL 1967, c. 58, §13**, as amended by P&SL 1979, c. 81, is repealed.

**Sec. A-15. Effective date.** This Part takes effect when approved.

**PART B**

**Sec. B-1. P&SL 1967, c. 58, §3-B** is enacted to read:

**Sec. 3-B. Requirements for bond issues.**

All bond issues are subject to the requirements of this section. The district may not separate portions of a single project into components to evade any monetary limitation imposed by law. Prior to the directors voting to authorize a project proposed to be bonded, the directors shall hold a public informational session on the project in the district. With regard to all bond issues approved by the board of directors on or after January 1, 2002, the requirements of section 4 apply to all bonding for less than \$2,000,000, and all bonding in an amount of \$2,000,000 or more is subject to a referendum by the residents of the district in the same manner as a general election within 120 days from receipt of the petition.

**Sec. B-2. Effective date.** This Part takes effect January 1, 2002.

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

Effective April 14, 2000, unless otherwise indicated.

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**CHAPTER 85**

**H.P. 1542 - L.D. 2196**

**An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center**

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

**Sec. 1. Communication center established; powers.** The following provisions govern the establishment and powers of the Central Maine Regional Public Safety Communication Center.

**1. Center established.** The Central Maine Regional Public Safety Communication Center, referred to in this Act as the "center," is established to provide emergency communication services to participating state, county and municipal public safety agencies in the central Maine region. The following agencies and municipalities may participate in the establishment of the center: the Maine State Police, the Kennebec County Sheriff's office and the municipalities of Gardiner, Augusta, Waterville, Winslow and Oakland.

**2. Powers.** The center is a body both corporate and politic in the State and may:

- A. Sue and be sued;
- B. Have a seal and alter the seal at pleasure;