

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

Penmor Lithographers

Lewiston, Maine

2006

Sec. 4. PL 2005, c. 386, Pt. J, §1, sub-§5 is amended to read:

5. Corrections Incentive Fund recommendation. The Commissioner of Corrections shall submit proposed legislation establishing a Corrections Incentive Fund to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on State and Local Government no later than ~~February 1, 2006~~ December 15, 2006. The purpose of the proposed Corrections Incentive Fund is to achieve significant and sustainable savings in the cost of delivering correctional services by funding proposals that are consistent with the final study recommendations. The proposed legislation must also include a provision for evaluating the effectiveness of the incentive fund and a requirement to sunset the fund unless there is sufficient evidence presented by the Department of Corrections to continue the fund.

Sec. 5. PL 2005, c. 386, Pt. J, §1, sub-§6 is enacted to read:

6. Authorized duties; nonlapsing funds. In addition to that specified in this section, the advisory committee is authorized to conduct any additional work authorized by law within its budgeted resources. Any General Fund appropriations originally appropriated to support the work of the advisory committee that remain within the Department of Corrections may not lapse but must be carried forward to be used for the same purpose.

Sec. 6. Retroactivity. This Act applies retroactively to January 1, 2006.

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

Effective May 30, 2006.

CHAPTER 668

S.P. 818 - L.D. 2086

An Act To Facilitate the Regionalization of Emergency Communications Dispatching Services

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

Sec. 1. 5 MRSA §17656, sub-§2 is enacted to read:

2. Reemployment of public safety communications dispatchers with Department of Public

Safety. Notwithstanding subsection 1, a member of the retirement system whose previous membership was based upon employment as a public safety communications dispatcher with a participating local district and whose employment with the participating local district was terminated as a result of the consolidation of the participating local district's public safety dispatching services with the Department of Public Safety and who then becomes employed as a public safety communications dispatcher for the department may elect to include that previously earned creditable service with service earned as a state employee if that member:

A. Makes a one-time, irrevocable election no later than 30 days after commencing employment as a public safety communications dispatcher for the Department of Public Safety; and

B. Has not previously withdrawn all of the member's accumulated contributions.

If a member makes the election provided in this subsection, the State shall make whatever contribution is necessary to provide the benefits under the retirement system for the member as though the previous employment had been as a state employee, and all funds in the retirement system contributed by the member's former employer on account of the member's previous employment must be transferred to the account of the State and must be used to liquidate the liability incurred by reason of the previous employment.

Upon notification by the Department of Public Safety to the retirement system that an employee has made an election under this subsection, the retirement system shall calculate and provide to the Department of Public Safety the amount of the employer contribution required under this subsection.

A member who makes the election provided in this subsection and for whom applicable additional employer contributions have been paid is entitled to include the creditable service and earnable compensation with the previous employer with the creditable service and earnable compensation with the State for the purposes of benefit qualification under section 17851 and computation of benefits under section 17852.

See title page for effective date.

CHAPTER 669

H.P. 1483 - L.D. 2091

An Act To Make Changes to the Laws Regarding Pine Tree Development Zones

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

Sec. 1. 30-A MRSA §5250-J, sub-§3, ¶H, as enacted by PL 2003, c. 688, Pt. D, §2, is repealed and the following enacted in its place:

H. The restrictions contained in paragraph G may be waived for:

(1) Property that is contained within a labor market area that has sustained a greater than 5% loss of population or employed workers during the 3-year period immediately preceding the time of application if the loss was caused by business closings; or

(2) Property that is contained within an industrial site with appropriate infrastructure and zoning or other land use regulations in place that has sustained a minimum loss of 500 employed workers during the 5-year period immediately preceding the time of application, as long as an application for a waiver under this subparagraph is received by August 1, 2010. Only a qualified business with a base level of employment equal to zero is eligible to receive Pine Tree Development Zone benefits under this subparagraph.

See title page for effective date.

CHAPTER 670

S.P. 852 - L.D. 2110

An Act To Establish the Hospital and Health Care Provider Cooperation Act

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

Sec. 1. 22 MRSA c. 405-A is enacted to read:

CHAPTER 405-A

HOSPITAL AND HEALTH CARE PROVIDER COOPERATION ACT

§1841. Short title

This chapter may be known and cited as "the Hospital and Health Care Provider Cooperation Act."

§1842. Legislative findings and intent

The Legislature finds that it is necessary and appropriate to encourage hospitals and other health care

providers to cooperate and enter into agreements that will facilitate cost containment, improve quality of care and increase access to health care services. This Act provides processes for state review of overall public benefit, for approval through certificates of public advantage and for continuing supervision. It is the intent of the Legislature that a certificate of public advantage approved under this chapter provide state action immunity under applicable federal antitrust laws.

§1843. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Cooperative agreement. "Cooperative agreement" means an agreement that names the parties to the agreement and describes the nature and scope of the cooperation for:

A. The sharing, allocation or referral of patients, personnel, instructional programs, medical or mental health services, support services or facilities or medical, diagnostic or laboratory facilities, procedures or other services traditionally offered by hospitals or health care providers;

B. The coordinated negotiation and contracting with payors or employers; or

C. The merger of 2 or more hospitals or 2 or more health care providers.

A cooperative agreement under this chapter is an agreement between 2 or more hospitals or an agreement between 2 or more health care providers. An agreement between one or more hospitals and one or more health care providers is not a cooperative agreement for the purposes of this chapter.

2. Covered entity. "Covered entity" means a hospital or health care provider.

3. Health care provider. "Health care provider" means a licensed community mental health services provider, a physician licensed under Title 32, chapter 36 or 48 and operating in this State or a corporation or business entity engaged primarily in the provision of physician health care services.

4. Hospital. "Hospital" means:

A. An acute care institution licensed and operating in this State as a hospital under section 1811 or the parent of such an institution; or

B. A hospital subsidiary or hospital affiliate in the State that provides medical services or medically related diagnostic and laboratory services