

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2345

S.P. 927

In Senate, February 23, 1990

Submitted by the Joint Standing Committee on Judiciary pursuant to Joint Rule 20.
Reference to the Committee on Judiciary suggested and ordered printed.

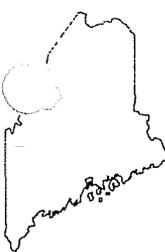
JOY J. O'BRIEN
Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Correct Errors and Inconsistencies in the Laws of Maine.

(EMERGENCY)



2 requirements for purposes of computing subsequent payment
3 year financial requirements pursuant to section 396-C.

4 F. This subsection is repealed October 1, 1991.

6 **Sec. 70. 22 MRSA §396-D, sub-§9-C** is enacted to read:

8 **9-C. Special relief for border hospitals.** In determining
9 financial requirements for a border hospital's 5th payment year,
10 the commission shall make a special adjustment in accordance with
11 the following provisions.

12 A. As used in this subsection, the following terms have the
13 following meanings.

16 (1) "Border hospital" means a Maine hospital located
17 within 10 miles of the New Hampshire border.

18 (2) "Economic hardship" means an excess of reasonably
19 budgeted, noncapital, acute care operating expenses
20 over noncapital financial requirements.

22 (3) "5th payment year" means a hospital's payment year
23 beginning or deemed to begin on or after October 1,
24 1988, and before October 1, 1989.

26 B. In considering an adjustment under this subsection, the
27 commission shall determine the extent to which the hospital
28 has demonstrated that its economic hardship is attributable
29 to unique circumstances affecting border hospitals. In no
30 event may an adjustment under this subsection exceed the
31 portion of a hospital's economic hardship attributed to the
32 unique circumstances of border hospitals.

34 C. This adjustment may be made during the course of the 5th
35 payment year. An adjustment under this subsection shall
36 become part of payment year financial requirements for
37 purposes of computing subsequent payment year financial
38 requirements pursuant to section 396-C.

40 D. This subsection is repealed October 1, 1991.

42 **Sec. 71. 22 MRSA §1580-B**, as enacted by PL 1989, c. 210 and
43 c. 241, is repealed and the following enacted in its place:

46 **§1580-B. Smoking in hospitals**

48 **1. Definitions.** As used in this section, unless the
49 context otherwise indicates, the following terms have the
50 following meanings.

2 A. "Hospital" means any hospital required to be licensed
3 under chapter 405.

4 B. "Smoking" means carrying or having in one's possession a
5 lighted cigarette, cigar, pipe or other object giving off or
6 containing any substance giving off tobacco smoke.

8 2. Prohibition. Beginning November 16, 1989, no person may
9 smoke tobacco or any other substance in any enclosed area of any
10 hospital, except as otherwise provided in this section.

12 3. Exception. A patient or resident of a hospital may
13 smoke in designated areas within the hospital if a licensed
14 physician has written an order permitting the patient or resident
15 to smoke.

16 Sec. 72. 22 MRSA §1580-C is enacted to read:

18 §1580-C. Smoking in enclosed areas on ferries prohibited

20 1. Definitions. As used in this section, unless the
21 context otherwise indicates, the following terms have the
22 following meanings.

24 A. "Ferry" includes a ferry operated under the jurisdiction
25 of the Department of Transportation pursuant to Title 23,
26 chapter 412, subchapter I or the Public Utilities Commission
27 pursuant to Title 35-A, chapter 51 or any ferry used for the
28 purpose of transporting vehicles, freight or passengers not
29 otherwise covered within those chapters.

31 B. "Smoking" includes carrying or having in one's
32 possession a lighted cigarette, cigar, pipe or other object
33 giving off smoke or containing any substance giving off
34 smoke.

36 2. Smoking prohibited. No person may smoke tobacco or any
37 other substance in any enclosed area in which the public is
38 allowed on any ferry.

40 3. Exception. Notwithstanding subsection 2, the provisions
41 of section 1579-A shall govern any area of a ferry that is used
42 as a restaurant.

44 4. Notice. The operator of a ferry subject to this section
45 shall post a notice in a conspicuous location in any area in
46 which smoking is prohibited.

48 5. Violation. The following penalties apply.

2 Section 64 resolves a conflict created by 2 public laws
affecting the same paragraph and incorporates changes made by
4 both public laws.

6 Section 65 resolves a conflict created by 2 public laws
amending the same paragraph.

8
10 Section 66 resolves a conflict created by 2 public laws
amending the same subsection.

12 Section 67 combines provisions of 2 public laws amending the
same paragraph.

14
16 Section 68 retains the effective date established by Public
Law 1989, chapter 596, Part N, section 9.

18 Sections 69 and 70 resolve a conflict created by 2 public
laws enacting the same subsection.

20
22 Sections 71 and 72 resolve a conflict created by 2 public
laws enacting the same section.

24 Section 73 resolves a conflict created by 2 public laws
amending the same section.

26
28 Section 74 resolves a conflict created by 2 public laws
amending the same section.

30 Section 75 resolves a conflict created by 2 public laws
amending the same section.

32
34 Section 76 corrects a technical error.

36 Section 77 resolves a conflict created by 2 public laws
amending the same subsection.

38 Sections 78 and 79 resolve a conflict created by 2 public
laws enacting the same paragraphs.

40
42 Section 80 resolves a conflict created by 2 public laws
amending the same subsection.

44 Section 81 corrects a grammatical error.

46 Section 82 resolves a conflict created by 2 public laws
amending the same subsection.

48
50 Section 83 resolves a conflict created by 2 public laws
amending the same subsection.

52 Section 84 corrects a cross-reference.