

# **MAINE STATE LEGISLATURE**

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**LAWS**

OF THE

**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

N. Pursuant to chapter 10, the Waldo County Budget Committee has final approval authority over county officers' salaries. Legislative approval is not required.

Sec. 2. 30 MRSA §1401, as enacted by PL 1985, c. 223, is amended to read:

§1401. Purpose

The purpose of this chapter is to establish in Waldo County a method of appropriating money for county expenditures, according to a budget, which shall first receive approval of a budget committee. This chapter amends the present statutory method in sections 2, 252 and 253 by transferring the authority of the Waldo County legislative delegation and the Legislature to approve the Waldo County budget to a committee comprised of Waldo County and municipal officials. This chapter shall apply only to Waldo County.

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

Effective April 16, 1986.

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## CHAPTER 701

S.P. 922 - L.D. 2298

AN ACT to Discourage Frivolous Appeals  
in Cases Involving Judicial Review of  
Certificate of Need Decisions for  
Nursing Homes of the Department of  
Human Services.

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

Whereas, the State of Maine presently is faced with a severe shortage of nursing home beds; and

Whereas, the State's elderly citizens and their families currently experience long waits prior to placement in nursing home facilities; and

Whereas, since 1979, the Department of Human Services' certificate of need program and the Legislature's appropriations process serve to allocate new beds through a competitive application process which solicits applications from participating geographical areas; and

Whereas, this competitive process has resulted in subsequent litigation on the part of certain applicants and this litigation has resulted in significant additional costs and delays; and

Whereas, these certificate of need decisions may be appealed by an unsuccessful applicant causing significant additional costs and delays and it is desirable to discourage any appeals which might be frivolous; 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:

22 MRSA §311, as amended by PL 1985, c. 443, §3, is further amended by adding at the end a new paragraph to read:

In civil actions involving competitive reviews of proposals to construct new nursing home beds, the court shall require the party seeking judicial review to give security in such sums as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any other party who is found to have been wrongfully delayed or restrained from proceeding to implement the certificate of need, provided that for good cause shown and recited in the order, the court may waive the giving of security. A surety upon a bond or undertaking under this paragraph submits himself to the jurisdiction of the court and irrevocably appoints the clerk of the court as his agent upon whom any papers affecting his liability on the bond or undertaking may be served. His liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescribes may be served on the clerk of the court who shall forth-

with mail copies to the persons giving the security if their addresses are known.

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

Effective April 16, 1986.

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## CHAPTER 702

S.P. 834 - L.D. 2116

AN ACT to Adopt the Maine Fair Debt Collection Practices Act.

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

Sec. 1. 32 MRSA c. 10, as amended, is repealed.

Sec. 2. 32 MRSA c. 111 is enacted to read:

CHAPTER 111

MAINE FAIR DEBT COLLECTION PRACTICES ACT

SUBCHAPTER I

GENERAL PROVISIONS

§11001. Short title

This chapter shall be known and may be cited as the "Maine Fair Debt Collection Practices Act."

§11002. Definitions

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

1. Communication. "Communication" means the conveyance or receipt of information regarding or facilitating the collection of a debt, directly or indirectly, to or from any person through any medium.

2. Conducting business in this State. "Conducting business in this State" means the collection or attempted collection of a debt due another by a debt