

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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Sec. 5. 24-A MRSA §6210, sub-§2, as enacted by PL 1987, c. 482, §1, is amended to read:

2. Termination by the subscriber. If, prior to the subscriber occupying a unit or within one year after that date, the subscriber dies and does not have a surviving spouse who is also a subscriber and who still wishes to occupy the unit, or the subscriber elects to terminate the continuing care agreement for any reason, the subscriber or the subscriber's legal representative shall receive within 30 days a refund of all money paid to the provider without interest, except:

A. Those special additional costs incurred by the provider due to modifications in the structure or furnishings of the unit specifically requested by the subscriber and set forth in writing in a separate addendum to the agreement and signed by the subscriber;

B. In the case of the death of the subscriber, a processing fee not to exceed 1% of the entrance fee interest earned upon funds in escrow;

C. The application fee;

D. A maximum of 1% of the entrance fee for each month of occupancy, if any; and

E. Costs to the provider of repairing damage caused by the subscriber to the subscriber's unit, other than reasonable wear and tear to the unit.

This subsection shall not be construed in a manner inconsistent with the real estate interest acquired by the purchaser of a condominium.

Sec. 6. 24-A MRSA §6210, sub-§3, ¶B, as enacted by PL 1987, c. 482, §1, is amended to read:

B. A refund of all money paid by the subscriber, ~~minus~~ plus interest earned on escrowed funds shall be refunded, less an application fee not to exceed \$100 \$500, is made at the time the agreement is terminated.

Sec. 7. 24-A MRSA §6226 is enacted to read:

§6226. Continuing Care Retirement Community — Certificate of Need Demonstration Project

The following provisions apply to applicants seeking to obtain a Certificate of Need from the department for the first Continuing Care Retirement Community Demonstration Project, pursuant to Title 22, chapter 103, and the Demonstration Project Rules as adopted by the department on April 16, 1987.

1. Initial deposits. The \$1,000 limit on the initial deposit contained in section 6203, subsection 3, paragraph A, shall not apply after the stage of the Certificate of Need application procedure when the department has, in writing, deemed the application complete. After the disclosure statement, the escrow agreement, the receipt

and the continuing care agreement have been reviewed on a preliminary basis by the department's Certificate of Need staff, the department shall forward the documents with recommendations, if any, to the superintendent. All provisions of section 6203, including approval of the receipt and the escrow agreement by the superintendent remain applicable. Thereafter the limit on deposits that may be collected shall not exceed an amount equal to 10% of the entrance fee. Following issuance by the department of a Certificate of Need, any unsuccessful applicant for the first demonstration project shall refund amounts collected from subscribers with interest earned thereon pursuant to this chapter. The refunds shall be made no later than 10 days after notification by the department to the unsuccessful applicant unless the unsuccessful applicant appeals the decision of the department as provided by Title 22, chapter 103. If the applicant appeals and the appeal is denied, then refunds shall be made no later than 10 days after notification of the denial.

2. Exception. Except as specifically addressed in this section, all other requirements of this chapter shall apply.

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

Effective November 25, 1987.

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## CHAPTER 564

H.P. 1383 — L.D. 1885

### AN ACT Relating to Out-of-court Statements made by Minors.

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

15 MRSA §1205, first ¶, as enacted by PL 1983, c. 411, is amended to read:

A hearsay statement made by a person under the age of ~~14~~ 16 years, describing any incident involving sexual intercourse, a sexual act or sexual contact performed with or on the minor by another, shall not be excluded as evidence in criminal proceedings in courts of this State if:

Effective February 19, 1988.

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