

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

behalf of minor children shall be valid unless approved by the court, as provided in Title 14, section 1605.

See title page for effective date.

CHAPTER 341

H.P. 559 - L.D. 757

An Act Concerning Withdrawal of Candidates

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

Sec. 1. 21-A MRSA §374, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 2. 21-A MRSA §374-A is enacted to read:

§374-A. Withdrawal of candidates for certain state offices

1. Withdrawal and replacement of nominees; Governor's proclamation. The Governor shall issue a proclamation as provided in section 362 and a political committee may make a replacement nomination following a candidate's withdrawal only if a person nominated for an office, other than United States Senator, Representative to Congress or Governor, at a primary election or by a political committee:

A. Withdraws on or before 5 p.m. of the first Monday in August preceding the general election;

B. Withdraws because of a catastrophic illness that has permanently and continuously incapacitated the candidate and would prevent performance of the duties of the office sought, provided the candidate or a member of the candidate's immediate family files with the Secretary of State a certificate accompanying the withdrawal request, which describes the illness and is signed by at least 2 licensed physicians; or

C. Dies prior to the general election.

2. Deadline for replacement of nominee. A political committee may make a replacement nomination:

A. No later than 5 p.m. of the 3rd Monday in August preceding the general election for a candidate who has withdrawn in accordance with subsection 1, paragraph A; or

B. As soon as practicable for a candidate who withdraws or is withdrawn in accordance with subsection 1, paragraph B or C.

Sec. 3. 21-A MRSA §376, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

§376. Production of new ballots

1. Federal or gubernatorial office. If a candidate or nominee for a federal or gubernatorial office withdraws less than 40 days before any election, the Secretary of State is not required to produce new ballots.

2. Certain state offices. The Secretary of State is required to produce new ballots only if a candidate for an office, other than United States Senator, Representative to Congress or Governor, withdraws in accordance with section 374-A, subsection 1, paragraph A, B or C.

3. List of candidates. Immediately after the last day for withdrawal, the Secretary of State shall list all names to be placed on the ballot for the general election.

See title page for effective date.

CHAPTER 342

H.P. 397 - L.D. 528

An Act to Amend the Animal Welfare Laws

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

Sec. 1. 7 MRSA §3966, sub-§1, as enacted by PL 1987, c. 643, §5, is repealed and the following enacted in its place:

1. Control. Except as provided in this section, it is unlawful for any domesticated ferret to be off the premises of the owner or other person having care, custody and control of the ferret. If the owner or other person in possession cannot locate the ferret, the owner or person in possession shall immediately notify the municipal office serving the area in which the ferret was lost.

A ferret may be off the premises of the owner provided that at all times the ferret is securely caged, collared or harnessed and leashed and under the direct physical control of the person in possession. It shall be the responsibility of the owner that the ferret does not constitute a public nuisance, risk to public safety or otherwise cause damage to public or private property.

Sec. 2. 7 MRSA §3972, sub-§§2 and 3, as enacted by PL 1987, c. 383, §3, are amended to read:

2. Violation. Any person who makes unlawful use of animals contrary to this section commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged. For the purposes of this section, "animal" does not include lobsters or shellfish.

3. Construction. Nothing in this section may be construed to apply to any animal to be used or raised for agriculture, aquaculture or fishing, or to any dog to be used or raised for hunting or exhibition purposes, by persons with proper facilities otherwise authorized by law, or to games using animals in which the participating animal is not caused,

directly or indirectly, to perform any act that deviates from the animal's natural behavior provided that the game is conducted by an educational or cultural institution or other nonprofit service organization.

See title page for effective date.

CHAPTER 343

S.P. 120 - L.D. 186

An Act to Amend the Continuing Care Retirement Law

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

Sec. 1. 24-A MRSA §6201, sub-§§11 and 13, as enacted by PL 1987, c. 482, §1, are amended to read:

11. Operational facility. "Operational facility" means a facility for which the provider has obtained a final certificate of authority from the superintendent ~~and 60%~~ 65% of the residential units are occupied by subscribers and all other relevant health, safety and building code rules, regulations and laws have been satisfied.

13. Provider. "Provider" means the corporate entity which is the owner of an institution, building, residence or other place, whether operated for profit or not, in which the owner undertakes to provide continuing care. If the facility is owned by the subscribers, then "provider" means the operator of the facility. Subscribers may organize condominiums or consumer cooperatives subject to Title 13, chapter 85, subchapter I.

Sec. 2. 24-A MRSA §6201, sub-§14-A is enacted to read:

14-A. Residential unit. "Residential unit" means an apartment, room or other area within a facility set aside for the exclusive use of one or more identified subscribers.

Sec. 3. 24-A MRSA §6202, sub-§§3 and 4, as enacted by PL 1987, c. 482, §1, are amended to read:

3. Kinds of communities. There shall be 2 ~~types~~ kinds of certificates of authority communities.

A. To qualify for certification as a life-care community, the provider shall offer a continuing care agreement that explicitly provides all of the following:

(1) Full and lifetime prepaid health care, prepaid supportive services and shelter, as prescribed by the department by rule, which shall include a true continuum of care from independent living through nursing home care;

(2) The maintenance fee shall not increase, regardless of the level of services provided or a change in accommodations, with the following exceptions:

(a) Annual increases in the maintenance fee applicable to all subscribers; and

(b) Any increase in the maintenance fee applicable to a specific subscriber resulting from the voluntary selection of an optional service by that subscriber. An optional service is a service or change in accommodations which is not required to be offered in order to qualify for certification as a life-care community under the department's rules;

(3) With the exception of maintenance fees and insurance premiums, neither the subscriber nor any 3rd party, other than the subscriber's insurer, shall be liable for the cost of health care or supportive services other than optional services as defined in subparagraph (2); and

(4) The provider shall continue to provide full and lifetime health care, supportive services and shelter without diminution to a subscriber who has not intentionally depleted ~~his~~ the subscriber's resources.

B. A provider offering a continuing care agreement which does not qualify for certification as a life-care community, as defined in paragraph A, shall be certified as a continuing care retirement community if it complies with the other applicable provisions of this chapter.

4. Reasonable time to comply. Any provider ~~who~~ which is providing continuing care when this chapter takes effect shall be given a reasonable time to comply with this chapter and the rules promulgated pursuant to this chapter, but not later than ~~one year after the effective date of this chapter~~ October 1, 1990. Any provider not operating as a corporation within the meaning of the Maine Business Corporation Act, Title 13-A, or the Maine Nonprofit Corporation Act, Title 13-B, may continue to do so up until the time, if any, that the provider discontinues operation. If the provider wishes to resume operations after October 1, 1990, it must do so as a corporation within the meaning of Title 13-A or Title 13-B, but that resumption shall not be deemed a continuation of any prior business form.

Sec. 4. 24-A MRSA §6203, sub-§1, ¶B, as enacted by PL 1987, c. 482, §1, is amended to read:

B. The provider has submitted an application in duplicate to the superintendent. The superintendent shall immediately forward one copy to the depart-