

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 636

H.P. 1420 - L.D. 2032

An Act to Repeal the Provisions of the Uniform Commercial Code Relating to Bulk Transfers

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

Sec. 1. 11 MRSA §1-105, sub-§(2), as amended by PL 1977, c. 696, §117, is further amended to read:

(2) Where one of the following provisions of this Title specifies the applicable law, that provision governs a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. Section 2-402.

Applicability of the Article on Bank Deposits and Collections. Section 4-102.

~~Bulk transfers subject to the Article on Bulk Transfers. Section 6-102.~~

Applicability of the Article on Investment Securities. Section 8-106.

Perfection provisions of the Article on Secured Transactions. Section 9-103.

Sec. 2. 11 MRSA §2-403, sub-§(4) is amended to read:

(4) The rights of other purchasers of goods and of lien creditors are governed by the Articles on secured transactions (Article 9), ~~bulk transfers (Article 6)~~ and documents of title (Article 7).

Sec. 3. 11 MRSA Art. 6, as amended, is repealed.

Sec. 4. 11 MRSA §9-111 is repealed.

Sec. 5. Savings clause. This Act does not apply to any rights and obligations that may be in effect under the Maine Revised Statutes, Title 11, Article 6 and section 9-111 on the effective date of this Act.

See title page for effective date.

CHAPTER 637

S.P. 590 - L.D. 1562

An Act Providing Nursing and Boarding Home Residents with a Right of Action for Violations of Their Resident Rights

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

Whereas, public advocacy services for residents of long-term care facilities have been severely diminished; and

Whereas, those residents must be given private means to address their grievances as soon as possible; 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:

Sec. 1. 22 MRSA §7946, sub-§5, as enacted by PL 1987, c. 774, §4, is repealed.

Sec. 2. 22 MRSA §§7948 and 7949 are enacted to read:

§7948. Right of action

1. Generally. Any resident whose rights have been violated as described in this section may commence a civil action in the Superior Court on that resident's own behalf for injunctive and declaratory relief against any long-term care facility that is alleged to be in violation of any rule described in section 7924 or in violation of the rights enumerated in 42 United States Code, Section 1396r, Subsection (c). In order to grant a preliminary or permanent injunction under this section, the Superior Court must find that:

A. The plaintiff will suffer irreparable injury if the injunction is not granted;

B. The irreparable injury outweighs any harm that granting the injunctive relief would inflict on the defendant;

C. The plaintiff has exhibited a likelihood of success on the merits of the case; and