

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

(2) The defendant was armed with a dangerous weapon other than a firearm or knew that an accomplice was so armed;

(3) The violation was against a structure that is a dwelling place; or

(4) At the time of the burglary, the defendant had 2 or more prior Class A, B or C convictions for any combination of theft or any violation of this section or section 651, 702 or 703 or attempts to commit any of those crimes. For purposes of this subparagraph, the dates of the prior convictions must precede the commission of the burglary by no more than 10 years, although both prior convictions may have occurred on the same date. This subparagraph does not apply if the 2 prior offenses were committed within a 3-day period. The date an offense was committed is presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent; and

See title page for effective date.

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**CHAPTER 478**

**H.P. 827 - L.D. 1132**

**An Act to Amend the Continuing Care Retirement Community Laws**

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

**Sec. 1. 24-A MRSA §6203, sub-§6,** as enacted by PL 1995, c. 452, §20, is amended to read:

**6. Provision of services to nonresidents.** The final certificate of authority must state whether any skilled nursing facility that is part of a life-care community or a continuing care retirement community may provide services to persons who have not been bona fide residents of the community prior to admission to the skilled nursing facility. If the life-care community or the continuing care retirement community is a nonprofit corporation that is a Section 501(c)(3) organization under the federal Internal Revenue Code and that admits to its skilled nursing facility only persons who have been bona fide residents of the community prior to admission to the skilled nursing facility, then the community is exempt from the provisions of Title 22, chapter 103, but is subject to the licensing provisions of Title 22, chapter 405, and is entitled to only one skilled nursing facility bed for every 4 residential units in the community. ~~However, any~~ Any community ~~so~~ exempted from under Title 22, chapter 103 may admit nonresidents of

the community to its skilled nursing facility only during the first 3 years of operation. For purposes of this subsection, a "bona fide resident" means a person who has been a resident of the community for a period of not less than 180 consecutive days immediately preceding admission to the nursing facility or has been a resident of the community for less than 180 consecutive days but who has been medically admitted to the nursing facility resulting from an illness or accident that occurred subsequent to residence in the community. Any community ~~so~~ exempted from under Title 22, chapter 103 is not entitled to and may not seek any reimbursement or financial assistance under the Medicaid program from any state or federal agency and, as a consequence, that community must continue to provide nursing facility services to any person who has been admitted to the facility.

See title page for effective date.

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**CHAPTER 479**

**H.P. 351 - L.D. 474**

**An Act to Amend the Waste Management Laws Regarding Landfill Closure**

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

**Sec. 1. 38 MRSA §1310-F, sub-§1-B,** as amended by PL 1995, c. 665, Pt. HH, §1, is repealed and the following enacted in its place:

**1-B. Closure cost-share fraction.** Subject to the availability of funds, the commissioner shall issue grants or payments for the following percentages of landfill closure costs incurred by municipalities.

A. The state cost share is 75% of closure costs incurred before July 1, 1994.

B. The state cost share is 50% of landfill cover costs and 75% of other closure costs incurred on or after July 1, 1994 and before January 1, 1996.

C. The state cost share is 30% of landfill cover costs and 75% of other closure costs incurred on or after January 1, 1996 and before January 1, 2000.

D. Notwithstanding paragraphs B and C, the state cost share is 75% of closure costs, including landfill cover costs, incurred on or after July 1, 1994 and before January 1, 2000, if:

(1) The costs are incurred pursuant to a written agreement between the municipality

and the department executed before July 1, 1994; or

(2) The commissioner determines that the closure work was delayed for reasons beyond the control of the municipality and the costs are identified in and incurred pursuant to a written agreement between the municipality and the department.

The state cost share is 0% of landfill closure costs incurred on or after January 1, 2000, except that the commissioner may issue grants or payments for 30% of those costs if incurred pursuant to an alternative closure schedule executed before January 1, 2000, and if specifically identified in a department order or license, schedule of compliance or consent agreement.

As used in this subsection, "landfill cover costs" means the cost of materials and the cost of placement of materials associated with the physical construction of that portion of a cover over a landfill that meets the minimum landfill cover permeability of 1 x 10(-5)cm./sec. and the thickness standards of 40 Code of Federal Regulations, Part 258, Section 258.60(a).

**Sec. 2. 38 MRSA §1310-F, sub-§2, ¶A,** as repealed and replaced by PL 1995, c. 462, Pt. A, §77, is amended to read:

A. The commissioner may act to abate public health, safety and environmental threats at sites municipal solid waste landfills identified as uncontrolled hazardous substance sites under section 1362, subsection 3 or at federally declared Superfund sites. Notwithstanding any other provision of this article subsections 1-A and 1-B, the commissioner shall determine the amount of funds expended grants or payments issued to municipalities for the costs of remediation and closure at those sites.

**Sec. 3. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>		
<b>Solid Waste Management</b>		
Positions - Legislative count		(1,000)
Personal Services	\$29,908	\$91,028
All Other	2,500	7,500
<b>TOTAL</b>	<b>\$31,408</b>	<b>\$98,528</b>

Allocates funds for the continuation of one

Environmental Specialist  
III position and one  
Environmental Specialist  
IV position.

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**CHAPTER 480**

**S.P. 85 - L.D. 265**

**An Act to Amend the Maine Apiary Laws**

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

**Sec. 1. 7 MRSA §2701, first ¶,** as enacted by PL 1985, c. 572, is amended to read:

All persons owning honeybees within the State shall annually notify the commissioner of the keeping of bees and the location of the bees and shall forward to the commissioner for deposit with the Treasurer of State an annual license fee not to exceed ~~50¢~~ \$2 per colony for all bees kept on June 15th of each year. A license may be issued for a one-year, 2-year or 3-year period. Licenses for a period in excess of one year may be issued only with the agreement of or at the request of the applicant. The fee for a 2-year license is 2 times the annual fee. The fee for a 3-year license is 3 times the annual fee. Fees ~~shall~~ must be established by rule in accordance with the Maine Administrative Procedure Act, ~~Title 5, chapter 375.~~ No license fee returned may be less than \$2 per beekeeper. License fees ~~shall~~ accrue as a dedicated revenue to the General Fund Division of Plant Industry to fund the cost of apiary inspection.

**Sec. 2. 7 MRSA §2754,** as enacted by PL 1985, c. 572, is amended to read:

**§2754. Registration fees**

A registration fee not to exceed ~~50¢~~ \$2 per colony for all bees to be shipped or moved into the State ~~shall~~ must be forwarded to the commissioner for deposit with the Treasurer of State. Fees ~~shall~~ must be established by rule in accordance with the Maine Administrative Procedure Act, ~~Title 5, chapter 375.~~ The fees ~~shall~~ accrue as a dedicated revenue to the General Fund Division of Plant Industry to fund the cost of apiary inspection.

See title page for effective date.

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