

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.

J.S. McCarthy Company
Augusta, Maine
1997

in interest may contest the accounting by motion filed within 30 days of receipt of the report, but any such challenge ~~shall~~ may be for money only and ~~shall~~ does not affect the title to the real estate purchased by the highest bidder at the public sale. Any deficiency ~~shall~~ must be assessed against the mortgagor and an execution ~~shall~~ must be issued by the court therefor. In the event the mortgagee has been the purchaser at the public sale, any deficiency ~~shall be~~ is limited to the difference between the fair market value of the premises at the time of the public sale, as established by an independent appraisal, and the sum due the mortgagee as established by the court with interest plus the expenses incurred in making the sale. Any surplus ~~shall~~ must be paid to the mortgagor, ~~his~~ the ~~mortgagor's~~ successors, heirs or assigns in the proceeding. If the mortgagor has not appeared personally or by an attorney, the surplus ~~shall~~ must be paid to the clerk of courts, who shall hold the surplus in escrow for 6 months for the benefit of the mortgagor, ~~his~~ the ~~mortgagor's~~ successors, heirs or assigns and, if the surplus remains unclaimed after 6 months, the clerk shall pay the surplus to the Treasurer of State to be credited to the General Fund until it becomes abandoned under the Uniform Unclaimed Property Act, and report and pay it to the State in accordance with that Act.

Sec. B-5. 23 MRSA §156, next to the last ¶, as amended by PL 1991, c. 684, §6, is further amended to read:

After the appeal period from the decree of the State Claims Commission or a judgment of any court has expired, any sum of money directed by a decree of the commission or by a judgment of any court to be paid over that remains unclaimed for 60 days must be disposed of consistent with Title 33, chapter ~~37~~ 41.

Sec. B-6. 25 MRSA §3504, as amended by PL 1995, c. 625, Pt. A, §30, is further amended to read:

§3504. Deposit of proceeds

Proceeds of the sale of the property at public auction, less reimbursement to the law enforcement agency and others authorized of the reasonable expenses of custody, must be disposed of according to Title 33, chapter ~~37~~ 41.

Sec. B-7. 29-A MRSA §754, sub-§4, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. After expiration of the 30-day notice period, the Secretary of State may dispose of the vehicle

at public auction or report the vehicle as abandoned under Title 33, chapter ~~37~~ 41.

See title page for effective date, unless otherwise indicated.

CHAPTER 509

H.P. 626 - L.D. 851

An Act to Provide Reimbursement to Spouses Serving as Personal Care Attendants

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

Whereas, federal rules do not permit recipients of personal care services to employ their spouses in that capacity and be reimbursed through the Medicaid program; and

Whereas, the Department of Human Services needs to apply for a waiver as soon as possible to correct this problem; 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. 26 MRSA §1421-C is enacted to read:

§1421-C. Reimbursement

The Department of Human Services shall reimburse providers who are spouses of individuals who are eligible for personal care assistance services for severely physically disabled adults authorized by section 1421.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1997-98	1998-99
HUMAN SERVICES, DEPARTMENT OF		
Long Term Care - Human Services		
All Other	\$201,178	\$209,225

Provides additional funds and funds through a transfer from the Medical Care - Payments to Providers program to reimburse certain spouses who perform personal care services.

Medical Care - Payments to Providers

All Other	(69,487)	(71,053)
Transfers funds to the Long Term Care - Human Services program to reflect a shift of expenditures for certain personal care services.		

Medical Care - Payments to Providers

All Other	(131,691)	(138,172)
Deappropriates funds due to anticipated savings in the Medicaid managed care initiative.		

DEPARTMENT OF HUMAN SERVICES TOTAL

\$-0-	\$-0-
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 12, 1997.

CHAPTER 510

H.P. 1016 - L.D. 1408

An Act to Redistrict Knox County and Provide for 5 County Commissioners

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 30-A MRSA §61-B is enacted to read:

§61-B. Knox County

Notwithstanding section 61, there is a board of commissioners for Knox County consisting of a chair and 4 other citizens. All other provisions of section 61 apply to Knox County.

Sec. 2. Apportionment. Notwithstanding the Maine Revised Statutes, Title 30-A, section 61, when the county commissioner districts are reapportioned in 2003, as provided under Title 30-A, section 65, the apportionment commission shall apportion Knox County into 5 commissioner districts and shall include in its apportionment plan the initial terms of office for each commissioner district. The apportionment commission shall designate 2 commissioner districts that have 2-year terms and 3 commissioner districts that have 4-year terms. All subsequent terms are for 4 years.

Sec. 3. Statutory referendum procedure; submission at countywide election; form of question; effective date. This Act must be submitted to the legal voters of Knox County at a countywide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of Knox County shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a municipal election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor increasing the number of county commissioner districts in Knox County from 3 to 5?"

The legal voters of each city, town and plantation in Knox County shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim that fact without delay, and the Act takes effect 30 days after the date of the proclamation.

The Knox County commissioners are authorized to expend the funds necessary to implement the referendum. The county commissioners shall cause the preparation of the required ballots.

Sec. 4. Contingent effective date. That section of this Act that enacts the Maine Revised Statutes, Title 30-A, section 61-B takes effect on January 1,