

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

intends to appeal from the foreign judgment, the court may stay the proceedings until the appeal has been determined or until the expiration of a period of time sufficient to enable the defendant to prosecute the appeal.

§8508. Saving clause

This Act does not prevent the recognition of a foreign judgment in situations not covered by this Act.

§8509. Uniformity of interpretation

This Act must be so construed as to effectuate its general purpose to make uniform the law of those states that enact it.

See title page for effective date.

CHAPTER 286

H.P. 900 - L.D. 1278

An Act to Base Sales Tax for Net Energy Billing Customers on Net Energy Deliveries

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

Sec. 1. 36 MRSA §1760, sub-§80 is enacted to read:

80. Electricity used for net billing. Sale or delivery of kilowatt hours of electricity to net energy billing customers as defined by the Public Utilities Commission for which no money is paid to the electricity provider or to the transmission and distribution utility.

See title page for effective date.

CHAPTER 287

H.P. 1237 - L.D. 1766

An Act to Provide Equity for Eviction Notification

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

Sec. 1. 10 MRSA §9007, sub-§12 is enacted to read:

12. Application; mobile homes owned by park. If a park owner or operator owns a mobile home in the mobile home park and rents that mobile home, termination of the tenancy is governed by the terms of the lease. If there is no lease agreement, the tenancy is

a tenancy at will and termination is governed by Title 14, section 6002.

See title page for effective date.

CHAPTER 288

S.P. 672 - L.D. 1894

An Act to Amend the Statutes Regarding Maine Veterans

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

Sec. 1. 37-B MRSA §601, as amended by PL 1997, c. 395, Pt. P, §1, is further amended to read:

§601. Home established; purpose

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the existing 120-bed home located in Augusta, a 120-bed home located in Scarborough, a home not to exceed 40 beds located in Caribou, a home located in Bangor not to exceed 120 beds, of which 40 beds are dedicated to senile dementia patients, and a home located in South Paris not to exceed 90 beds, of which 30 beds are dedicated to senile dementia patients, may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the Machias home may not in any way jeopardize the construction, funding or financial viability of any other home. The Maine Veterans' Homes also are authorized to provide nonnursing facility care and services to Maine veterans if approved by appropriate state and federal authorities. The Board of Trustees of the Maine Veterans' Homes shall plan and develop the Machias home and any nonnursing facility care and services using any funds available for that purpose, except for the Augusta facility's funded depreciation account. Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine Veterans' Homes and available for that purpose. The primary purpose of the ~~homes~~ Maine Veterans' Homes is to provide support and care for honorably discharged veterans who served on active duty in the United States Armed Forces for no less than 180 days.

Sec. 2. 37-B MRSA §610-B, first ¶, as enacted by PL 1997, c. 395, Pt. P, §6, is amended to read:

The Maine Veterans' Homes shall expend stipend funds received pursuant to section 610-A ~~first primarily~~ on the payment of debt service on, or the setting aside of funds irrevocably to repay as soon as possible, the outstanding principal amount of the bonded indebtedness of the homes and the bonded indebtedness of the State on which the homes are obligated to pay debt service. Any interest earned on funds set aside irrevocably to repay such bonded indebtedness must be credited to the General Fund.

See title page for effective date.

CHAPTER 289

H.P. 1254 - L.D. 1808

An Act to Amend the Definition of Lender Under the Uncontrolled Hazardous Substance Sites Law

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

Sec. 1. 38 MRSA §1362, sub-§1-B, as amended by PL 1993, c. 355, §58, is further amended to read:

1-B. Lender. "Lender" means any person, as defined by Title 9-B, section 131, subsection 30, including a successor or assignee of that person, that makes a bona fide extension of credit to or takes or acquires a security interest from a nonaffiliated person; a financial institution or credit union authorized to do business in this State, as defined in Title 9-B, section 131, subsections 12-A and 17-A; a financial institution that is acting through a service corporation ~~pursuant to as defined in~~ Title 9-B, section 445 ~~131~~, subsection 5 ~~37~~; or any federal or state banking or lending agency that provides loans, guarantees or other financial assistance. For the purpose of this subsection, the phrase "acting through" includes the assignment or transfer of an interest in real property acquired in satisfaction of a debt.

See title page for effective date.

CHAPTER 290

H.P. 1091 - L.D. 1538

An Act to Grant Immunity to Medical Professionals Conducting Body Cavity Searches for Drugs

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

Sec. 1. 5 MRSA §200-G, sub-§3 is enacted to read:

3. Immunity. A person is immune from criminal or civil liability for an act or omission in conducting a body cavity search if:

A. The body cavity search is pursuant to a search warrant directing the body cavity search;

B. The person is authorized to conduct a body cavity search under the rules adopted pursuant to subsection 1; and

C. The person uses due care in conducting the body cavity search.

Nothing in this subsection requires a person authorized to conduct body cavity searches to conduct a body cavity search pursuant to a search warrant.

See title page for effective date.

CHAPTER 291

S.P. 527 - L.D. 1560

An Act to Amend the Qualifications for Appointment of the Adjutant General and Assistant Adjutant General

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

Sec. 1. 37-B MRSA §107, as amended by PL 1983, c. 594, §3, is repealed and the following enacted in its place:

§107. Qualifications for appointment of Adjutant General and assistant adjutant general

A person appointed Adjutant General or assistant adjutant general must have attained the federally recognized rank of Colonel in the Maine National Guard.

See title page for effective date.

CHAPTER 292

S.P. 140 - L.D. 376

An Act to Amend the Laws Relating to Long-term Care Insurance and to Require Disclosure to Insurance Consumers that Long-term Care