

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

dealer license under this subchapter demonstrate that the applicant is registered with the State Tax Assessor for the collection of sales and use tax under Title 36, chapter 211 or that the applicant is not required to register under that chapter.

See title page for effective date.

CHAPTER 282

H.P. 1114 - L.D. 1483

An Act to Expand the Options for a Lobster Management Zone

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

Sec. 1. 12 MRSA §6446, sub-§2-A is enacted to read:

2-A. Rules pursuant to section 6447, subsection 5-A. The commissioner may adopt rules for a zone established under subsection 1 that are proposed pursuant to section 6447, subsection 5-A only when the rules were proposed by the lobster management policy council established for that zone pursuant to section 6447, subsection 1 and the proposed rules were approved in a referendum pursuant to section 6447, subsection 6. The commissioner may accept the rules proposed by a lobster management policy council as reasonable and adopt those rules or reject the council's proposed rules as unreasonable. The rules adopted under this subsection by the commissioner must accurately reflect the intent of the rules proposed by a lobster management policy council but are not required to be a verbatim rendition of the proposed rules.

This subsection is repealed June 1, 2004.

Sec. 2. 12 MRSA §6447, sub-§5-A is enacted to read:

5-A. Zone C council authority. Notwithstanding any other provision in this subchapter, upon approval in a referendum under subsection 6, a lobster management policy council for Zone C, as defined in rules adopted by the department, may propose to the commissioner rules for Zone C that do any or all of the following:

A. Increase the length of time an apprentice must be enrolled in the apprentice program up to a maximum of 5 years. A proposal to increase the length of enrollment must establish the ability for apprentices enrolled in the program to be grandfathered;

B. Require a sponsor of an apprentice to have held a Class I, Class II or Class III lobster and crab fishing license for at least 5 years;

C. Require an apprentice training program that consists of course work on current laws and rules and principles of fishing;

D. Require that an apprentice may only enter Zone C if the apprentice apprenticed in Zone C; or

E. Establish a one-year, 2-year or 3-year waiting period for transferees to transfer into Zone C.

This subsection is repealed June 1, 2004.

See title page for effective date.

CHAPTER 283

S.P. 414 - L.D. 1358

An Act to Require Truth in Advertising of Natural Water

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

Sec. 1. 7 MRSA §562-B is enacted to read:

§562-B. Identification of source of water sold in containers and intended for human consumption

The label on water that is sold in the State in containers and that is intended for human consumption must identify the location of the water body, well or public water supply from which the water was obtained.

See title page for effective date.

CHAPTER 284

S.P. 457 - L.D. 1510

An Act to Study Long-term Care, Home and Community-based Care, Reimbursement Issues and Staffing Issues

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

Sec. 1. Study of certain aspects of long-term care. By February 1, 2002, the Long-term Care Implementation Committee established in Public Law 1999, chapter 731, Part BBBB, section 15 shall study and make recommendations to the Joint Standing

Committee on Health and Human Services regarding the following issues:

1. Home and community-based care. Improvement of the availability of long-term care services for adults who choose to receive services in their homes and communities. This issue includes eligibility requirements, barriers to services and changing functional ability and health status;

2. Reimbursement issues. Reimbursement under the Medicaid program for nursing and residential care facilities that replace or renovate older facilities. This issue includes changes in facility capacity, reimbursement for direct and indirect cost components, the relationship of certificate of need to Medicaid reimbursement and budget neutrality under state law; and

3. Staffing issues. Permanent and temporary staffing in nursing and residential care facilities, the cost of wages and benefits and the impact of staffing patterns on quality of care.

Sec. 2. PL 1999, c. 731, Pt. BBBB, §15, sub-§3 is amended to read:

3. Duties. The committee shall report by February 1, 2001; February 1, 2002; and December 31, 2002 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The report must include activities of the committee in the prior year, the opinion of the committee on the progress being made to implement this Part, information requested from the joint standing committee or required by law or resolve and any recommendations for action, including recommending necessary legislation to the Legislature. This section is repealed January 1, 2003.

See title page for effective date.

CHAPTER 285

H.P. 1227 - L.D. 1674

An Act to Allow Boards of Professions to Grant Hardship Deferments

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

Sec. 1. 32 MRSA §59-B is enacted to read:

§59-B. Deferment for continuing education

If a person licensed under this Title is required to obtain continuing education and does not meet the requirement due to an undue hardship, the licensing

authority for the profession of that person may grant a hardship deferment with a provision for the person to make up the continuing education requirement. A licensing authority under this Title shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter II-A to implement the provisions of this section.

See title page for effective date.

CHAPTER 286

H.P. 826 - L.D. 1080

An Act to Amend Article 9-A of the Uniform Commercial Code

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

Whereas, the Maine Revised Statutes, Title 11, Article 9-A, which governs secured transactions in the Uniform Commercial Code, will become effective on July 1, 2001 and changes to that law must be in place prior to July 1, 2001 in order for the Secretary of State to properly administer that law; 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. 11 MRSA §9-1104, sub-§(2), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(2) A secured party that has satisfied subsection ~~(a)~~ (1) has control, even if the debtor retains the right to direct the disposition of funds from the deposit account.

Sec. 2. 11 MRSA §9-1325, sub-§(2), ¶(b), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(b) Arose solely under section 2-711, subsection (3) or section 2-1508, subsection (5).

Sec. 3. 11 MRSA §9-1502, sub-§(2), ¶(c), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(c) Provide a description of the real property to which the collateral is related sufficient to give constructive notice of a mortgage under the law