

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

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 This section is repealed January 1, 2003.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