

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

Sec. B-22. 25 MRSA §2452, last ¶, as amended by PL 1997, c. 728, §25, is further amended to read:

Existing boarding care facilities licensed pursuant to Title 22, subtitle 6, must comply with the applicable fire safety requirements of the Life Safety Code adopted by the Commissioner of Public Safety pursuant to Title 22, section ~~7904-A~~ 7856.

Sec. B-23. 36 MRSA §652, sub-§1, ¶A, as amended by PL 1997, c. 668, §20 and PL 2001, c. 354, §3, is further amended to read:

A. The real estate and personal property owned and occupied or used solely for their own purposes by benevolent and charitable institutions incorporated by this State. Such an institution may not be deprived of the right of exemption by reason of the source from which its funds are derived or by reason of limitation in the classes of persons for whose benefit such funds are applied.

For the purposes of this paragraph, "benevolent and charitable institutions" include, but are not limited to, nonprofit nursing homes and nonprofit boarding homes and boarding care facilities licensed by the Department of Human Services pursuant to Title 22, chapter ~~4665~~ 1664 or its successor, nonprofit community mental health service facilities licensed by the Commissioner of Behavioral and Developmental Services pursuant to Title 34-B, chapter 3 and nonprofit child care centers incorporated by this State as benevolent and charitable institutions. For the purposes of this paragraph, "nonprofit" means a facility exempt from taxation under Section 501(c)(3) of the Code;

Sec. B-24. 36 MRSA §652, sub-§1, ¶C, as amended by PL 1997, c. 442, §3 and PL 2001, c. 354, §3, is further amended by amending subparagraph (6), division (b) subdivision (i), to read:

(i) Property used as a nonprofit nursing home, ~~boarding home or boarding residential~~ care facility licensed by the Department of Human Services pursuant to Title 22, chapter ~~4665~~ 1663 or a community living arrangement as defined in Title 30-A, section 4357-A or any property owned by a nonprofit organization licensed or funded by the Department of Behavioral and Development Services to provide services to or for the benefit of persons with mental illness or mental retardation;

Sec. B-25. Effective date; transition provisions. This Act takes effect October 1, 2002. Rules adopted by the Department of Human Services regarding assisted living programs and services that are in effect on October 1, 2002 remain in effect as to the assisted living programs and services until replaced by rules adopted pursuant to the provisions of this Act.

Effective October 1, 2002.

CHAPTER 597

H.P. 1676 - L.D. 2177

An Act to Implement the Recommendations of the Joint Standing Committee on State and Local Government Pursuant to Reviews Conducted under the State Government Evaluation Act

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

Sec. 1. 3 MRSA §959, sub-§1, ¶M, as amended by PL 1999, c. 790, Pt. D, §3 and affected by §14, is further amended to read:

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

(1) Capitol Planning Commission in ~~1997~~ 2003;

(1-A) Maine Governmental Facilities Authority in ~~1999~~ 2005;

(2) State Civil Service Appeals Board in ~~1999~~ 2005;

(3) State Claims Commission in ~~1999~~ 2005;

(4) Maine Municipal Bond Bank in ~~2001~~ 2007;

(5) Office of Treasurer of State in ~~2001~~ 2007;

(6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services, in 2003;

(7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in 2003; and

(9) State Planning Office, except for the Land for Maine's Future Board, in 2004-2007.

See title page for effective date.

CHAPTER 598

H.P. 1665 - L.D. 2170

An Act to Ensure Maine Citizens in Recovery from Drug Addiction Equal Access to Public Assistance

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

Sec. 1. 22 MRSA §3104, sub-§14 is enacted to read:

14. Prohibition against denial of assistance based on drug conviction. A person who is otherwise eligible to receive food assistance under the federal Food Stamp Act of 1977, 7 United States Code, Sections 2011 to 2036 may not be denied assistance because the person has been convicted of a drug-related felony as described in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, Section 115, 110 Stat. 2105.

Sec. 2. 22 MRSA §3762, sub-§17 is enacted to read:

17. Prohibition against denial of assistance based on drug conviction. A person who is otherwise eligible to receive TANF may not be denied assistance because the person has been convicted of a drug-related felony as described in Section 115 of PRWORA.

See title page for effective date.

CHAPTER 599

H.P. 1107 - L.D. 1476

An Act to Amend the Laws of the Board of Barbering and Cosmetology

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

Sec. 1. 32 MRSA §14211-A, sub-§1, as amended by PL 1999, c. 687, Pt. E, §14, is further amended to read:

1. Membership. The Board of Barbering and Cosmetology, as established by Title 5, section

12004-A, subsection 6, consists of 9 members appointed by the Governor. Two members must be representatives of the public; ~~3~~ 2 must be licensed and practicing cosmetologists; 2 ~~one~~ must be a licensed and practicing ~~barbers~~ barber; one must be a licensed instructor ~~having that has at least 3 years of instructing experience and no current affiliation with any school currently licensed in the State; and one must be the owner of a school licensed barbering or cosmetology school by the board; one must be a licensed and practicing manicurist; and one must be a licensed and practicing aesthetician.~~

Sec. 2. 32 MRSA §14212, sub-§11, as enacted by PL 1997, c. 771, §9, is amended to read:

11. Inspections. The board or its agents ~~or assistants shall inspect each establishment~~ conduct random inspections of licensed establishments and booths as considered necessary for compliance with the applicable requirements of this subchapter chapter and the applicable rules of the board adopted pursuant to this subchapter chapter. Each establishment must be inspected at least once a year for compliance with the applicable laws and rules relating to the public health and safety and the conduct and operation of establishments.

Sec. 3. Transition; change in board composition. Notwithstanding the Maine Revised Statutes, Title 32, section 14211-A, subsection 1, members of the Board of Barbering and Cosmetology on January 1, 2002 may remain members of that board until the completion of their terms. As board positions become vacant, members must be appointed in accordance with the changes to the composition of the board required by Title 32, section 14211-A, subsection 1, as amended by this Act.

See title page for effective date.

CHAPTER 600

S.P. 461 - L.D. 1514

An Act to Ensure Fairness in the Regulation and Reimbursement of Nursing Facilities

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

Sec. 1. 22 MRSA §1812-H, sub-§2-B is enacted to read:

2-B. Implementation. Notwithstanding any provision of this section to the contrary, a nursing facility may decline to admit a prospective resident after an evaluation of the person's clinical condition and related care needs and a determination that the