

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

**Whereas**, the Maine Veterans' Homes has secured federal funding in the amount of 65% of the costs of the renovations; and

**Whereas**, the Maine Veterans' Homes will lose its federal funding for the proposed renovations to its Augusta nursing facility if it can not proceed with a contract for the renovations in a timely manner; and

**Whereas**, the proposed renovations to the Augusta nursing facility of the Maine Veterans' Homes are subject to the Maine Certificate of Need Act of 2002; and

**Whereas**, on January 22, 2002, the Maine Veterans' Homes filed with the Department of Human Services a certificate of need application dated January 14, 2002 seeking approval for the proposed renovations to the nursing facility; and

**Whereas**, the Department of Human Services has not yet acted on the certificate of need application; and

**Whereas**, the Maine Certificate of Need Act of 2002 states "A nursing facility project that proposes renovation, replacement or other actions that will increase Medicaid [MaineCare] costs may be approved only if appropriations have been made by the Legislature expressly for the purpose of meeting those costs"; and

**Whereas**, the Maine Veterans' Homes does not wish the proposed renovations to its Augusta nursing facility to increase MaineCare costs to the State and, accordingly, wishes to forego the receipt of any reimbursement from the State for the costs of those renovations; 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. 37-B MRSA §610**, as amended by PL 1997, c. 395, Pt. P, §4, is further amended by adding a new paragraph at the end to read:

The provisions of this section pertaining to the Department of Human Services' reimbursement of long-term care facilities for depreciation of assets created with federal or state grants do not apply to renovations undertaken by the Maine Veterans' Homes 120-bed Augusta nursing facility in accordance with a certificate of need application filed January 22, 2002. The Department of Human Services shall amend its

rules regarding reimbursement of long-term care facilities accordingly. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Certificate of need; MaineCare.**

The following provisions apply with regard to a certificate of need application filed on January 22, 2002 by the Maine Veterans' Homes to renovate an existing 120-bed nursing facility at Augusta.

1. The Department of Human Services may not reimburse through the MaineCare program the Maine Veterans' Homes for any short-term or long-term costs associated directly or indirectly with the renovations detailed in the certificate of need application filed.

2. The provisions of the Maine Revised Statutes, Title 22, section 334 that require an appropriation for the express purpose of meeting the costs of a nursing facility project for which a certificate of need has been filed do not apply to the certificate of need application.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective February 19, 2003.

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**CHAPTER 4**

**H.P. 15 - L.D. 8**

**An Act to Change the Membership of the Board of Trustees of the Maine School of Science and Mathematics**

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

**Sec. 1. 20-A MRSA §8204, sub-§1, ¶C**, as enacted by PL 1993, c. 706, Pt. A, §4, is amended to read:

C. The chair of the Limestone School Board or the chair's designee;

See title page for effective date.

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**CHAPTER 5**

**H.P. 28 - L.D. 21**

**An Act to Ensure Full Disclosure of the Source of Water Sold in Containers**

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

**Sec. 1. 7 MRSA §562-B**, as enacted by PL 2001, c. 283, §1, is amended 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 include words that, without the use of abbreviations or acronyms, identify the name and geographic location of the water body, well or public water supply from which the water was obtained.

See title page for effective date.

**CHAPTER 6**

**H.P. 305 - L.D. 385**

**An Act to Change the Reporting Requirements for the Mercury Switch Removal Program**

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

**Sec. 1. 38 MRSA §1665-A, sub-§9**, as enacted by PL 2001, c. 656, §3, is amended to read:

**9. Reporting.** Before January 1, 2003 and annually thereafter, motor vehicle manufacturers doing business in the State shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any fee or other charge collected on the sale of new motor vehicles for the purpose of paying the cost of carrying out the manufacturer responsibilities under subsection 5. The report must specify the amount of the fee or charge collected and how the amount of the fee or charge was determined. Before July 1, 2004 and annually thereafter, motor vehicle manufacturers shall report in writing to the department on the results of the source separation required under this section. The report must include, at a minimum, the number of mercury switches removed and recycled from motor vehicles during the previous calendar year; the estimated total amount of mercury contained in the components; and any recommendations to improve the future collection and recycling of motor vehicle components. Before January 1, ~~2005~~ 2004 and annually thereafter, the department shall report to the Mercury Products Advisory Committee on the effectiveness of the source separation required under this section, whether the partial reimbursement payment under subsection 5, paragraph B should be adjusted to increase the number of switches brought to consolidation facilities, whether other motor vehicle components should be added to

the source separation efforts and whether the program should be terminated and, if so, when.

See title page for effective date.

**CHAPTER 7**

**H.P. 74 - L.D. 66**

**An Act to Repeal the Mandate to Perambulate the Municipal Boundary Lines when there is No Boundary Dispute**

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

**Sec. 1. 30-A MRSA §2851, first ¶**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

Boundary If a municipality, acting through its board of municipal officers, formally advises the municipal officers of one or more adjoining municipalities that there is a dispute regarding the location of the boundary or boundaries between the municipality and its adjoining municipalities, the boundary lines between municipalities ~~shall~~ must be perambulated ~~once every 5 years~~ to determine whether the boundary location is apparent within 5 meters, except as provided in subsection 7. The following procedures apply.

**Sec. 2. 30-A MRSA §2851, sub-§7**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

**7. Monumentation and record.** Municipal boundaries do not need ~~not~~ to be perambulated ~~more often than once every 10 years~~ if:

A. Monuments of granite or other material of comparable life and resistance to movement are located at all angle points and at intervals not exceeding 500 meters along straight boundaries, except for water crossings ~~which~~ that exceed that interval;

B. Monuments have drill holes or punch marks in inserts not exceeding one centimeter in diameter, indicating the point on the monument to be used as the boundary; and

C. Boundaries are shown to scale on a plan filed at the offices of the adjoining municipalities and at the registry of deeds of the county, or adjoining counties, in which the municipalities are located, and that plan includes: