

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.

Penmor Lithographers
Lewiston, Maine
2003

Sec. 4. 10 MRSA §1415-C, sub-§3, as amended by PL 1991, c. 246, §9, is further amended to read:

3. Multifamily structures. Effective January 1, 1990 ~~2004~~, in addition to conforming to the requirements of this section, any new construction or renovation of a conditioned space in ~~a~~ any residential building of more than 2 dwelling units must conform to the ASHRAE 90 standards, ~~provided that those standards do not conflict with this section~~ Standard 62-2001 and ASHRAE Standard 90.1, 2001.

Sec. 5. 10 MRSA §1415-D, first ¶, as enacted by PL 1987, c. 818, §4, is amended to read:

Except as provided in this section, new construction or substantial renovation of any commercial or institutional building undertaken after January 1, ~~1989~~ shall 2004 must conform to the ASHRAE 90 standards Standard 62-2001 and ASHRAE Standard 90.1-2001 under any of the compliance methods specified in the standards. For the purpose of this section, "substantial renovation" means any renovation for which the cost exceeds 50% of the building's current value prior to renovation.

See title page for effective date.

CHAPTER 152

S.P. 302 - L.D. 906

An Act Pertaining to Trustee Services for the Maine Turnpike Authority

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

Sec. 1. 23 MRSA §1970, as enacted by PL 1981, c. 595, §3, is repealed and the following enacted in its place:

§1970. Bonds; how secured

1. Trust indentures. In the discretion of the authority, bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the State, or by a loan or other security agreement with a lender or with such a trustee containing provisions that may be included in a bond resolution or trust indenture under this chapter. The trust indenture or loan or other security agreement may pledge or assign tolls or revenues to be received but may not convey or mortgage the turnpike or any part thereof. Either the resolution providing for the issuance of the bonds or the trust indenture or loan or other security agreement

may contain provisions for protecting and enforcing the rights and remedies of the bondholders or other lenders or of the trustee, if any, as may be reasonable and proper and not in violation of law, including: covenants setting forth the duties of the authority in relation to the acquisition of property; the construction, maintenance, operation, repair and insurance of the turnpike; the custody, safeguarding and application of all money; and any other provisions that the authority determines are necessary, convenient or desirable for the security of bondholders and other lenders or of the trustee, if any. Any such indenture or loan or other security agreement may restrict the individual right of action of bondholders or other lenders to the extent the authority determines is necessary, convenient or desirable. All expenses incurred in carrying out the trust indenture or loan or other security agreement may be treated as a part of the cost of the maintenance, operation and repair of the turnpike.

2. Other agreements. The authority may enter into an agreement with a bank or financial institution incorporated within or outside of the State as necessary or convenient for the provision of trustee, paying agent, depository or other financial services in connection with bonds issued by the authority pursuant to this chapter, and it is lawful for any bank or trust company to enter into any such agreements with the authority and to furnish indemnity bonds or to pledge any securities required by the authority.

See title page for effective date.

CHAPTER 153

H.P. 574 - L.D. 775

An Act To Clarify That All Companies Offering Telephone Services for Compensation, Including Switchless Resellers, Are Telephone Utilities

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

Sec. 1. 35-A MRSA §102, sub-§19, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

19. Telephone utility. "Telephone utility" includes every person, its lessees, trustees, receivers or trustees appointed by any court, ~~owning, controlling, operating or managing any~~ that provides telephone ~~the~~ service for compensation ~~within~~ inside this State. "Telephone utility" does not include any person or entity that is excluded from the definition of "public

utility" as defined in subsection 13, subject to the provisions of subsection 13, paragraphs A to C.

Sec. 2. 35-A MRSA §102, sub-§18-A is enacted to read:

18-A. Telephone service. "Telephone service" is the offering of a service that transmits communications by telephone, whether the communications are accomplished with or without the use of transmission wires.

Sec. 3. 35-A MRSA §102, sub-§20, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

See title page for effective date.

CHAPTER 154

H.P. 938 - L.D. 1266

An Act To Clarify Sentencing for Persons Convicted of Class D and Class E Crimes Involving Domestic Violence

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

Sec. 1. 17-A MRSA §1202, sub-§1-B, as amended by PL 2001, c. 386, §3, is further amended to read:

1-B. Notwithstanding subsection 1, the period of probation for a person convicted of a Class D or Class E crime involving domestic violence ~~must be~~ is 2 years, except that the term of probation ~~must be terminated at the time the probationer completes a certified batterers' intervention program as defined in Title 19-A, section 4014, unless there is another condition of probation that has yet to be met~~ terminates when the probationer has served at least one year of probation, has completed a certified batterers' intervention program as defined in Title 19-A, section 4014 and has met all other conditions of probation.

See title page for effective date.

CHAPTER 155

S.P. 275 - L.D. 796

An Act Relating to Existing Life-care Communities Licensed by the Superintendent of Insurance

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

Sec. 1. 24-A MRSA §6203, sub-§6, as amended by PL 1997, c. 478, §1, is further amended to read:

6. Provision of services to nonresidents. The final certificate of authority must state whether any skilled nursing facility that is part of a life-care community or a continuing care retirement community may provide services to persons who have not been bona fide residents of the community prior to admission to the skilled nursing facility. If the life-care community or the continuing care retirement community admits to its skilled nursing facility only persons who have been bona fide residents of the community prior to admission to the skilled nursing facility, then the community is exempt from the provisions of Title 22, chapter ~~403~~ 103-A, but is subject to the licensing provisions of Title 22, chapter 405, and is entitled to only one skilled nursing facility bed for every 4 residential units in the community. Any community exempted under Title 22, chapter ~~403~~ 103-A may admit nonresidents of the community to its skilled nursing facility only during the first 3 years of operation. For purposes of this subsection, a "bona fide resident" means a person who has been a resident of the community for a period of not less than 180 consecutive days immediately preceding admission to the nursing facility or has been a resident of the community for less than 180 consecutive days but who has been medically admitted to the nursing facility resulting from an illness or accident that occurred subsequent to residence in the community. Any community exempted under Title 22, chapter ~~403~~ 103-A is not entitled to and may not seek any reimbursement or financial assistance under the ~~Medicaid~~ MaineCare program from any state or federal agency and, as a consequence, that community must continue to provide nursing facility services to any person who has been admitted to the facility.

Notwithstanding this subsection, a life-care community that holds a final certificate of authority from the superintendent and that was operational on November 18, 2002 and that is barred from seeking reimbursement or financial assistance under the MaineCare program from a state or federal agency may continue to admit nonresidents of the community to its skilled nursing facility after its first 3 years of operation with the approval of the superintendent. A life-care community that admits nonresidents to its skilled nursing facility as permitted under this subsection may continue to admit nonresidents after its first 3 years of operation only for such period as approved by the superintendent after the superintendent's consideration of the financial impact on the life-care community and the impact on the contractual rights of subscribers of the community.

See title page for effective date.