

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

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 A, §6, is repealed.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.