

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

3. Computing and crediting interest. Under subsection 2, interest ~~shall~~ must be computed on the daily balances in the account from the date of receipt to the date of disbursement and ~~shall~~ must be credited to the account as of the last business day of each quarter of a calendar or fiscal year. If ~~the~~ such an account is closed or discontinued before the last business day of a quarter of a calendar or fiscal year, interest ~~shall~~ must be computed and credited as of the day the account is closed or discontinued. For the purposes of this section calculating interest under subsection 2, the mortgagee may take into account debit balances resulting from advances and may elect to compute interest on the basis of the actual number of days in each quarter and year, or on the basis of a 30-day month and a 360-day year. At least once a year, the mortgagee shall give the mortgagor a statement showing the interest credited on the escrow account during the period ~~which~~ that the statement covers.

See title page for effective date.

CHAPTER 264

H.P. 329 - L.D. 421

An Act To Include a Representative of Mental Health Providers on the Board of Directors of the Maine Health Data Organization

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

Sec. 1. 22 MRSA §8703, sub-§2, ¶A, as amended by PL 2001, c. 457, §5, is further amended to read:

A. The Governor shall appoint 18 board members in accordance with the following requirements. Appointments by the Governor are not subject to review or confirmation.

- (1) Four members must represent consumers. For the purposes of this section, "consumer" means a person who is not affiliated with or employed by a 3rd-party payor, a provider or an association representing those providers or those 3rd-party payors.
- (2) Three members must represent employers. One member must be chosen from a list provided by a health management coalition in this State.
- (3) Two members must represent 3rd-party payors.

(4) Nine members must represent providers. Two provider members must represent hospitals chosen from a list of at least 5 current hospital representatives provided by the Maine Hospital Association. Two provider members must be physicians or representatives of physicians chosen from a list of at least 5 nominees provided jointly by the Maine Medical Association and the Maine Osteopathic Association. One provider member must be a chiropractor chosen from a list provided by a statewide chiropractic association. One provider member must be a representative, chosen from a list provided by the Maine ~~Ambulatory Care Coalition~~ Primary Care Association, of a federally qualified health center. One provider member must be a pharmacist chosen from a list provided by the Maine Pharmacy Association. One provider member must be a mental health provider chosen from a list provided by the Maine Association of Mental Health Services. ~~Two One provider members member must be representatives of other health care providers, at least one of whom is a current representative of represent~~ a home health care company.

See title page for effective date.

CHAPTER 265

S.P. 353 - L.D. 1022

An Act To Allow Petitions for Protection of Rental Property and Tenants Based on Actions by Guests or Dangerous Pets

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

Sec. 1. 14 MRSA §6030-A, sub-§1, as enacted by PL 1995, c. 650, §8, is amended to read:

1. Commencing action. A landlord may file a petition against a tenant, a guest or invitee of a tenant or the owner of a dangerous pet on the premises for the protection of rental property or tenants when the landlord, the landlord's employee or agent, the landlord's rental property or persons who are tenants of the landlord have experienced harm or have been threatened with harm by a tenant of the landlord, a guest or invitee of a tenant or a dangerous pet on the premises. The landlord may file the petition in the landlord's own name or, when the landlord has written

authority from a tenant to do so, may file the action on behalf of the aggrieved tenant, or both.

See title page for effective date.

CHAPTER 266

S.P. 160 - L.D. 441

An Act To Establish a Definition for Biodiesel Fuels

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

Sec. 1. 36 MRSA §3202, sub-§1, as enacted by PL 1983, c. 94, Pt. D, §6, is amended to read:

1. Distillates. "Distillates" means all combustible gases and liquids used in an internal combustion engine, including biodiesel fuel, except the fuel subject to the tax imposed by chapter 451 and low-energy fuel.

Sec. 2. 36 MRSA §3202, sub-§1-A is enacted to read:

1-A. Biodiesel fuel. "Biodiesel fuel" means renewable fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats that is registered with the United States Environmental Protection Agency as a fuel and a fuel additive under the federal Clean Air Act, Section 211(b), 42 United States Code, Section 7545 and as otherwise specified in the American Society for Testing Materials Standard D6751-02a or its subsequent Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

See title page for effective date.

CHAPTER 267

H.P. 926 - L.D. 1252

An Act To Authorize Water and Wastewater Districts To Lease Their Assets

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

Sec. 1. 35-A MRSA §6109-A is enacted to read:

§6109-A. Lease of property by consumer-owned water utility

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Charter" has the same meaning as set forth in section 6402, subsection 1.

B. "Consumer-owned water utility" has the same meaning as set forth in section 6101, subsection 1-A.

2. Agreements authorized. Notwithstanding any provision to the contrary in its charter, a consumer-owned water utility may enter into a lease and leaseback transaction with respect to some or all of its real or personal property, other than land, and may take all other action necessary or desirable, including, but not limited to, the granting of mortgages and liens, to effectuate the transaction. For purposes of this subsection, "lease" includes a lease of any length, including leases that may be defined as sales for income tax purposes.

Sec. 2. 38 MRSA §1068 is enacted to read:

§1068. Lease of property by sanitary district

Nothing in this chapter is intended to limit the authority of a sanitary district to enter into a lease and leaseback transaction with respect to some or all of its real or personal property, other than land, and to take all other action necessary or desirable, including, but not limited to, the granting of mortgages and liens, to effectuate the transaction. For purposes of this section, "lease" includes a lease of any length, including leases that may be defined as sales for income tax purposes.

Sec. 3. 38 MRSA §1252, sub-§10 is enacted to read:

10. Lease of property. A sewer district may enter into a lease and leaseback transaction with respect to some or all of its real or personal property, other than land, and may take all other action necessary or desirable, including, but not limited to, the granting of mortgages and liens, to effectuate the transaction. For purposes of this subsection, "lease" includes a lease of any length, including leases that may be defined as sales for income tax purposes.

See title page for effective date.

CHAPTER 268

H.P. 981 - L.D. 1336

An Act to Strengthen the Governmental Ethics Laws