

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

plan ~~shall~~ may not exceed 5 years, and may include interest at the rate provided in section ~~4602~~ 1602-C.

Sec. 9. 18-A MRSA §3-806, sub-§(d), as amended by PL 1997, c. 202, §1, is further amended to read:

(d) Unless otherwise provided in any judgment in another court entered against the personal representative, allowed claims bear prejudgment interest at the rate specified in Title 14, section ~~4602, subsection 1, paragraph A~~ 1602-B for the period commencing 60 days after the time for original presentation of the claim has expired unless based on a contract making a provision for interest, in which case they bear interest in accordance with that provision.

(1) Interest may not accrue on any allowed claims, however allowed, against an insolvent estate, except to the extent that insurance coverage or other nonprobate assets are available to pay the claim in full. This paragraph is effective for estates of decedents who die on or after October 1, 1997.

(2) To the extent that an allowed claim against an insolvent estate is secured by property, the value of which, as determined under section 3-809, is greater than the amount of the claim, the holder of the claim may receive interest on the principal amount of the claim and any reasonable fees, costs or charges provided for under an agreement under which the claim arose. This paragraph is effective for estates of decedents who die on or after October 1, 1997.

Sec. 10. 22 MRSA §2172, sub-§3, ¶B, as enacted by PL 1991, c. 837, Pt. A, §49, is amended to read:

B. Licensees that are fined pursuant to this chapter are required to pay the department the amount of the penalties. If a licensee has not paid any collectible fine by the time of license renewal, the department may collect the fine by requiring payment prior to the processing of any license renewal application. An appeal of the department's decision to fine a licensee stays the collection of the fine. Interest accrues on a fine at the rate specified in Title 14, section ~~4602~~ 1602-B prior to the completion of any appeal. After the completion of any appeal process or after any appeal period has passed, interest accrues pursuant to Title 14, section ~~4602-A~~ 1602-C.

Sec. 11. 22 MRSA §2498, sub-§3, ¶B, as enacted by PL 1991, c. 591, Pt. J, §5, is amended to read:

B. Licensees that are fined pursuant to this chapter are required to pay the department the amount of the penalties. If a licensee has not paid any collectible fines by the time of its license renewal, the department may collect such fines by requiring their payment prior to the processing of any license renewal application. An appeal of the department's decision to fine a licensee stays the collection of any fine. Interest must accrue on fines at a rate described in Title 14, section ~~4602~~ 1602-B prior to the completion of any appeal. After the completion of any appeal process or after any appeal period has passed, interest must accrue pursuant to Title 14, section ~~4602-A~~ 1602-C.

Sec. 12. 22 MRSA §7946, sub-§2, as amended by PL 1989, c. 747, §2, is further amended to read:

2. Collection of penalties; interest. Long-term care facilities that are fined pursuant to this chapter are required to pay the department the amount of the penalties. Penalties may be collected by the department by the offset of any reimbursement due the facility, or by any other method authorized by law. An appeal of the department's decision to penalize a long-term care facility stays the collection of any penalties. All penalties are to be assessed for each day that the facility is or was out of compliance and are to be collected with interest accruing at the rate set by Title 14, section ~~4602-A~~ 1602-C. An appeal of the department's decision to penalize a long-term care facility does not stay the assessment of any penalties or interest as long as the long-term care facility continues to be in violation of any requirement of section 7943.

Sec. 13. Application. This Act applies to judgments entered on or after July 1, 2003.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 2003.

Effective July 1, 2003.

CHAPTER 461

H.P. 585 - L.D. 808

An Act To Control County Jail Health Care Expenses

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX,

Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 30-A MRSA §1561, sub-§4 is enacted to read:

4. Limitation on reimbursement rate to medical service providers for services outside county jail. A county may pay to a provider of a medical service for a prisoner an amount no greater than the reimbursement rate applicable to that provider and that service as established by rule of the Department of Human Services for the MaineCare program under Title 22. This limitation applies to all medical care services, goods, prescription drugs and medications provided to a prisoner outside the county jail.

See title page for effective date.

CHAPTER 462

S.P. 310 - L.D. 969

An Act To Ensure Equity in Mortgage Volume Fees

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation is required to submit its report to the Legislature in December 2003; and

Whereas, the committee must begin its meetings as soon as possible in order to complete its work by December; 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. 9-A MRSA §6-203, sub-§2, as amended by PL 1993, c. 268, §1, is further amended to read:

2. Persons required to file notification who are sellers, lessors or lenders shall pay an additional fee, at the time and in the manner stated in subsection 1, of \$25 for each \$100,000, or part thereof, of the original

unpaid balances arising from consumer credit transactions entered into in this State within the preceding calendar year and held either by the seller, lessor or lender for more than 30 days after the inception of the sale, lease or loan giving rise to the obligations, or by an assignee who has not filed notification. ~~A refinancing of a sale, lease or loan resulting in an increase in the amount of an obligation is considered a new sale, lease or loan to the extent of the amount of the increase.~~

Sec. 2. 9-A MRSA §6-203, sub-§2-A is enacted to read:

2-A. For purposes of assessing fees under this section, a refinancing of a sale, lease or loan made by the original creditor of the obligation that results in an increase in the amount of an obligation over the unpaid principal balance of the prior sale, lease or loan is considered a new sale, lease or loan to the extent of the amount of the increase, and volume fees must be paid on the amount of the increase. Volume fees must be paid on the full amount of a refinancing of a sale, lease or loan made by a creditor other than the original creditor.

Sec. 3. Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation. The Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation, referred to in this section as "the committee," is established.

1. Membership. The committee consists of 14 members, as follows:

A. Two members of the Joint Standing Committee on Business, Research and Economic Development, one who is a member of the Senate appointed by the President of the Senate and one who is a member of the House of Representatives appointed by the Speaker of the House of Representatives;

B. Two members of the Joint Standing Committee on Insurance and Financial Services, one who is a member of the Senate appointed by the President of the Senate and one who is a member of the House of Representatives appointed by the Speaker of the House of Representatives;

C. The Commissioner of Professional and Financial Regulation or the commissioner's designee;

D. The director of the office;

E. Four persons appointed by the Speaker of the House of Representatives as follows: one person who represents the nonbank mortgage lending industry, one person who represents automobile dealers or automobile sales finance companies,