

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

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SECOND REGULAR SESSION
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2006

CHAPTER 647

H.P. 1093 - L.D. 1552

An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption

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. 36 MRSA §681, sub-§§1-A and 1-B are enacted to read:

1-A. Cooperative housing corporation. "Cooperative housing corporation" means an entity organized for the purpose of owning residential real estate in which residents own shares that entitle the shareholder to inhabit a certain space within a residential dwelling.

1-B. Cooperative property. "Cooperative property" means the real property, including mobile and manufactured homes, owned by a cooperative housing corporation for the primary purpose of residential use.

Sec. 2. 36 MRSA §681, sub-§2, as enacted by PL 1997, c. 643, Pt. HHH, §3 and affected by §10, is amended to read:

2. Homestead. "Homestead" means any residential property, including cooperative property, in this State assessed as real property owned by an applicant or held in a revocable living trust for the benefit of the applicant and occupied by the applicant as the applicant's permanent residence or owned by a cooperative housing corporation and occupied as a permanent residence by a resident who is a qualifying shareholder. A "homestead" does not include any real property used solely for commercial purposes.

Sec. 3. 36 MRSA §681, sub-§5 is enacted to read:

5. Qualifying shareholder. "Qualifying shareholder" means a person who is a:

A. Shareholder in a cooperative housing corporation that owns a homestead in this State;

B. Shareholder for the preceding 12 months in the cooperative housing corporation specified in paragraph A; and

C. Permanent resident of this State.

Sec. 4. 36 MRSA §683, sub-§5 is enacted to read:

5. Determination of exemption for cooperative housing corporation. A cooperative housing corporation may apply for an exemption under this subchapter to be applied against the valuation of property of the corporation that is occupied by qualifying shareholders. The application must include a list of all qualifying shareholders and must be updated annually to reflect changes in the ownership and residency of qualifying shareholders. The exemption is equal to the amount specified in subsection 1 multiplied by the number of units in the cooperative property occupied by qualifying shareholders. A cooperative housing corporation that receives an exemption pursuant to this section shall apportion the property tax reduction resulting from the exemption among the qualifying shareholders on a per unit basis. Any supplemental assessment resulting from disqualification for exemption must be applied in the same manner against the qualifying shareholders for whom the disqualification applies.

Sec. 5. Application. This Act applies to property tax years beginning on or after April 1, 2007.

See title page for effective date.

CHAPTER 648

S.P. 674 - L.D. 1757

An Act Regarding Continuing Improvements in the MaineCare Program

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

Whereas, authorization for the Department of Health and Human Services to adopt rules with retroactive application was enacted in 2003 with an automatic repeal date of July 1, 2006; and

Whereas, the automatic repeal of the statutory authorization for retroactive rules will expire on July 1, 2006 unless action is taken immediately to repeal the automatic repeal clause; 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. 22 MRSA §42, sub-§8, ¶B, as enacted by PL 2003, c. 612, §1, is amended to read:

B. With respect to any services that MaineCare providers have rendered prior to the date of adoption of retroactive rules adopted pursuant to this subsection, such rules may not reduce or otherwise negatively affect the reimbursement or other payments that those providers are entitled to receive under the previously applicable rules. The reimbursement or other payments under the amended rules must be equal to or greater than the reimbursement under the rules previously in effect. The rules may retroactively increase provider reimbursement on an emergency basis if needed to ensure that MaineCare members have access to covered medically necessary services.

Sec. 2. 22 MRSA §42, sub-§8, ¶F, as enacted by PL 2003, c. 612, §1, is repealed.

Sec. 3. Continuing improvements in MaineCare program. The MaineCare Advisory Committee, established pursuant to the MaineCare Benefits Manual, chapter I, section 1.23, shall review the report of the Blue Ribbon Commission on the Future of MaineCare with the goal of identifying initiatives for the continuing improvement of the MaineCare program in order to preserve the long-term capability of the State to provide high quality health care services to MaineCare beneficiaries. The MaineCare Advisory Committee shall also review and monitor changes in the federal Medicaid program and implementation of the provisions of the federal Deficit Reduction Act of 2005, Public Law 109-171.

Sec. 4. Report. The MaineCare Advisory Committee shall report to the Joint Standing Committee on Health and Human Services the results of its review under section 3 and any recommendations the committee has for legislation or rulemaking by the Department of Health and Human Services in an initial report by September 1, 2006 and a final report by January 1, 2007. The report must identify strategies that ensure the sustainability of the MaineCare program while protecting the health and welfare of MaineCare beneficiaries and the viability of Maine's health care provider safety net.

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

Effective May 30, 2006.

CHAPTER 649

H.P. 1367 - L.D. 1950

An Act To Authorize State Participation in the Unified Carrier Registration System

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

Sec. 1. 29-A MRSA §551, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§551. Multistate agreement and federal programs

1. Authorization. The Secretary of State, acting with the concurrence of the Commissioner of Transportation and the Commissioner of Public Safety, may enter into a multistate agreement or federal program for the administration of this subchapter. The Secretary of State may participate in the Unified Carrier Registration System created under the federal Unified Carrier Registration Act of 2005 authorized in PL 109-59.

2. Purpose. It is the purpose of this section to:

A. Promote and encourage the fullest and most efficient use of the highway system by providing for a single point of contact for the administration of ~~states' operating authority requirements~~ multistate and federal programs;

B. Provide for a uniform set of rules among participating states;

C. Enable participating states to act cooperatively in the collection of fees and the enforcement of insurance requirements; and

D. Establish and maintain the concept of one administering state for each ~~permitted~~ motor carrier based on the rules established under a multistate agreement or federal program.

3. Principle. The Legislature, in authorizing the Secretary of State to enter into a multistate agreement or federal program, recognizes that the concept of one administering state should promote the more efficient use of the highway system while protecting the travelling public. The Legislature further recognizes that a multistate agreement or federal program should reduce the administrative burden for the motor carrier industry by limiting the number of contacts necessary when a motor carrier operates in interstate commerce.

4. Authorization. The Secretary of State may enter into a multistate agreement or federal program for the administration of this subchapter consistent