

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

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

Sec. 1. 22 MRSA §3175-D is enacted to read:

§3175-D. Nursing facility depreciation

1. Depreciation. For sales of nursing facilities, as defined in section 1812-A, that occur on or after October 1, 2009, the department shall either:

A. At the time of the sale, recapture depreciation paid by the department under the MaineCare program, from the proceeds of the sale; or

B. At the election of the buyer and seller, waive the recapture of depreciation at the time of the sale and allow the asset to transfer at the historical cost of the seller less depreciation allowed under the MaineCare program to the buyer for reimbursement purposes.

See title page for effective date.

CHAPTER 98

H.P. 481 - L.D. 698

An Act To Allow School Budget Validation Referenda To Be Held on a Saturday

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

Whereas, current law prohibits a municipality from conducting a school budget validation referendum on a Saturday; and

Whereas, many municipalities schedule and hold referendum questions on a Saturday as a matter of custom or historical tradition; and

Whereas, the residents of a municipality and their elected leaders are most qualified to determine which day of the week may be best suited for holding any referendum; and

Whereas, in some cases the provisions of a municipal charter may effectively require a municipal referendum to be conducted on a Saturday; and

Whereas, the 2009 school budget validation referenda around the State will be conducted prior to the adjournment of this Legislature; 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. 20-A MRSA §1486, sub-§2, as amended by PL 2007, c. 668, §19, is further amended to read:

2. Validation referendum procedures. The budget validation referendum must be held on or before the 14th calendar day following the scheduled date of the regional school unit budget meeting. The referendum may not be held on a Saturday, Sunday or legal holiday. The vote at referendum is for the purpose of approving or rejecting the total regional school unit budget approved at the regional school unit budget meeting. The regional school unit board shall provide printed information to be displayed at polling places to assist voters in voting. That information is limited to the total amounts proposed by the regional school unit board for each cost center summary budget category article, the amount approved at the regional school unit budget meeting, a summary of the total authorized expenditures and, if applicable because of action on an article under section 15690, subsection 3, paragraph A, a statement that the amount approved at the regional school unit budget meeting includes locally raised funds that exceed the maximum state and local spending target pursuant to section 15671-A, subsection 5.

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

Effective May 8, 2009.

CHAPTER 99

H.P. 356 - L.D. 511

An Act To Support Pretrial Diversion Programs for Issuers of Worthless Checks

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

Sec. 1. 32 MRSA §11003, sub-§7, ¶D, as enacted by PL 1985, c. 702, §2, is amended to read:

D. Concerns a debt obtained by that person as a secured party in a commercial credit transaction involving the creditor; ~~and~~

Sec. 2. 32 MRSA §11003, sub-§8, as enacted by PL 1985, c. 702, §2, is amended to read:

8. Collection activities related to the operation of a business. Any person whose collection activities are confined to and directly related to the operation of a business other than that of a debt collector, such as, but not limited to, financial institutions regulated under Title 9-B-; ~~and~~