

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 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

proved by the department pursuant to the provisions of sections 333-A and 334-A;

B. Capital expenditures in the case of a natural disaster, major accident or equipment failure;

C. Replacement equipment, other than major medical equipment as defined in section 328, subsection 16;

D. Information systems, communication systems, parking lots and garages; and

E. Certain energy-efficient improvements, as described in section 334-A, subsection 4.

Sec. 2. 22 MRSA §334-A, sub-§3, ¶A, as enacted by PL 2007, c. 440, §13, is amended to read:

A. Allow gross square footage per licensed bed of not less than 500 square feet unless the applicant specifies a smaller allowance for the project; ~~and~~

Sec. 3. 22 MRSA §334-A, sub-§3, ¶B, as enacted by PL 2007, c. 440, §13, is amended to read:

B. Exclude the projected incremental cost associated with replacement of equipment; ~~and~~

Sec. 4. 22 MRSA §334-A, sub-§3, ¶C is enacted to read:

C. Exclude the incremental cost of energy-efficient improvements as defined in the rules governing MaineCare reimbursement for nursing facilities.

Sec. 5. 22 MRSA §334-A, sub-§4 is enacted to read:

4. Cost associated with energy-efficient improvements. The cost associated with energy-efficient improvements in nursing facilities, as set forth in rules governing special reimbursement provisions for energy-efficient improvements adopted by the department, must be excluded from the cost of a project in determining whether the project is subject to review.

Sec. 6. Cost associated with energy-efficient improvements. For purposes of the Maine Revised Statutes, Title 22, section 334-A, subsection 4, the rules governing special reimbursement provisions for energy-efficient improvements are set forth in the Department of Health and Human Services MaineCare Benefits Manual, Chapter III, Section 67, subsection 44.2.4. The rules must be amended and take effect no later than January 1, 2010. The rules must require that the department provide a response to provider requests for prior approval of energy-efficient improvements within 30 days following the receipt of a request supported by sufficient information. Rules adopted pursuant to this section are routine technical

rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 431

S.P. 512 - L.D. 1428

An Act Regarding the Pay of Tribal Representatives

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

Whereas, under current law Tribal Representatives to the Maine Legislature are not considered members of the House of Representatives for purposes of compensation; and

Whereas, this legislation amends the law to compensate Tribal Representatives in the same manner as other members of the House of Representatives; and

Whereas, it is necessary that this change be implemented immediately; 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. 3 MRSA §2, 8th ¶, as amended by PL 1989, c. 501, Pt. O, §4; c. 600, Pt. B, §§9 and 10; and c. 878, Pt. D, §§14 and 15, is further amended to read:

The member of the Penobscot Indian Nation and the member of the Passamaquoddy Indian Tribe elected to represent their tribes at the Legislature ~~shall~~ are entitled to receive a ~~compensation of \$110 for each day's attendance during the first and 2nd regular sessions~~ salary equal to the salary of members of the Senate and the House of Representatives, including a cost-of-living adjustment, for each regular session and allowance for meals, constituent service, housing and travel expenses to the same extent as ~~any other member~~ members of the Senate and House of Representatives for attendance at each legislative session or authorized committee meeting. For the duration of any special session of the Legislature, they ~~shall~~ are entitled to receive the same per diem payment and allowances, including housing, meal and travel expenses, as any ~~other~~ member of the Senate and House of Representatives.

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

Effective June 17, 2009.

CHAPTER 432

S.P. 571 - L.D. 1491

**An Act To Protect Maine
Citizens and Franchised New
Car and Truck Dealers**

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

Whereas, the State has regulated the terms of franchise agreements between franchised new motor vehicle dealers and their manufacturers for decades; and

Whereas, the manufacture, distribution and sale of motor vehicles in this State and the ability of franchised new motor vehicle dealers to provide for the distribution, sale and repair of vehicles vitally affect the general economy of the State, the transportation system and the public interest and public welfare; and

Whereas, recent economic circumstances have created a crisis in the automobile industry; and

Whereas, manufacturers are attempting to use these economic circumstances to circumvent the laws of the State; and

Whereas, manufacturer efforts to circumvent the laws of the State will result in the loss of franchise rights and protections currently provided to Maine motor vehicle dealers under state law; and

Whereas, the circumvention of these laws will be to the detriment of Maine consumers, citizens and municipalities and towns; and

Whereas, Maine's franchise laws now balance the rights and obligations of motor vehicle dealers and manufacturers and the interests of the State and its citizens in a fair and reasonable manner; and

Whereas, the solvency and economic vitality of Maine motor vehicle dealerships are jeopardized by current economic conditions and the decision making of manufacturers; and

Whereas, new motor vehicle dealerships provide thousands of high-paying jobs in the State; and

Whereas, revenues crucial to the operation of state and local government, including property, excise and income taxes, in excess of 20% of all sales taxes,

are collected as a result of the sale of motor vehicles; and

Whereas, it is crucial that Maine's motor vehicle dealership network around the State remain intact to provide for the distribution, sale and repair of motor vehicles in all areas of the State; 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. 10 MRSA §1171, sub-§16 is enacted to read:

16. Successor manufacturer; predecessor manufacturer. "Successor manufacturer" means any manufacturer that succeeds, or assumes any part of the business of, another manufacturer, referred to as the "predecessor manufacturer," as the result of:

A. A change in ownership, operation or control of the predecessor manufacturer by sale or transfer of assets, corporate stock or other equity interest, assignment, merger, consolidation, combination, joint venture, redemption, court-approved sale, operation of law or otherwise;

B. The termination, suspension or cessation of a part or all of the business operations of the predecessor manufacturer;

C. The noncontinuation of the sale of the product line; or

D. A change in distribution system by the predecessor manufacturer, whether through a change in distributor or the predecessor manufacturer's decision to cease conducting business through a distributor altogether.

Sec. 2. 10 MRSA §1174, sub-§3-A is enacted to read:

3-A. Successor manufacturer. Successor manufacturer, for a period of 5 years from the date of acquisition of control by that successor manufacturer, to offer a franchise to any person for a line make of a predecessor manufacturer in any franchise market area in which the predecessor manufacturer previously cancelled, terminated, noncontinued, failed to renew or otherwise ended a franchise agreement with a franchisee who had a franchise facility in that franchise market area without first offering the franchise to the former franchisee at no cost, unless:

A. Within 30 days of the former franchisee's cancellation, termination, noncontinuance or nonrenewal, the predecessor manufacturer had consoli-