

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

1. Limitations on home rule authority. This chapter provides express limitations on municipal home rule authority. ~~Beginning December 1, 2010, the~~ The Maine Uniform Building and Energy Code must be enforced in a municipality that has more than ~~2,000~~ 4,000 residents and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the Maine Uniform Building and Energy Code must be enforced in a municipality that has more than ~~2,000~~ 4,000 residents and that has not adopted any building code by August 1, 2008. The Maine Uniform Building and Energy Code must be enforced through inspections that comply with Title 25, section 2373.

Sec. 5. 10 MRSA §9724, sub-§1-A is enacted to read:

1-A. Municipalities up to 4,000 residents. A municipality of up to 4,000 residents may not adopt or enforce a building code other than the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code. Notwithstanding any other provision of this chapter or Title 25, chapter 314, the provisions of the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code do not apply in a municipality that has 4,000 or fewer residents except to the extent the municipality has adopted that code pursuant to this subsection.

Sec. 6. 25 MRSA §2373, first ¶, as amended by PL 2009, c. 261, Pt. A, §12, is further amended to read:

~~Beginning December 1, 2010, the~~ The code must be enforced in a municipality that has more than ~~2,000~~ 4,000 residents and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the code must be enforced in a municipality that has more than ~~2,000~~ 4,000 residents and that has not adopted any building code by August 1, 2008. The code must be enforced through inspections that comply with the code through any of the following means:

See title page for effective date.

CHAPTER 409

H.P. 1087 - L.D. 1478

An Act To Fully Enfranchise Voters

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

Sec. 1. 21-A MRSA §363, sub-§5 is enacted to read:

5. Caucus. Following the proclamation of the Governor pursuant to section 382, a municipality that has not held a biennial caucus has 15 days to hold a

caucus to nominate or elect a person to fill a vacancy under section 382.

Sec. 2. 21-A MRSA §382, sub-§1, as amended by PL 1997, c. 436, §57, is further amended to read:

1. Nominees chosen. The Governor shall order the appropriate political committees to meet and shall set the deadline for choosing nominees, which may not be less than 15 days following the Governor's proclamation declaring a vacancy. The committees shall follow the procedure outlined in section 363.

See title page for effective date.

CHAPTER 410

H.P. 418 - L.D. 535

An Act To Amend the Laws Pertaining to High-stakes Beano

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

Sec. 1. 17 MRSA §314-A, sub-§3-B is enacted to read:

3-B. Thirty events per year. An organization licensed under this section other than the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs may operate high-stakes beano games up to 100 days per year. A high-stakes beano game licensed under this section and canceled for any reason may be rescheduled at any time, as long as 5 days' prior notice of the new date is given to the Chief of the State Police.

Sec. 2. 17 MRSA §314-A, sub-§4, as amended by PL 2009, c. 534, §1, is further amended to read:

4. Term of license; fees. A license issued under this section is valid for a period of one year. The annual license fee for a high-stakes beano license is \$50,000, except that the annual license fee due in 2008, ~~2009, 2010 and 2011~~ to 2013 is \$25,000. License fees may be paid in advance in quarterly installments. All license fees must be paid to the Treasurer of State to be credited to the General Fund.

Sec. 3. 17 MRSA §314-A, sub-§5, ¶C, as amended by PL 2009, c. 347, §1, is further amended to read:

C. Conduct a game outside the Indian Territory of the licensed organization or for the Houlton Band of Maliseet Indians outside of the parcel of land listed in the Aroostook County Registry of Deeds Book ~~3624~~ 4302, page ~~239~~ 168 except that the Passamaquoddy Tribe may conduct a game in

the City of Calais as approved by the municipality.

See title page for effective date.

CHAPTER 411

H.P. 752 - L.D. 1016

An Act To Restore the Health Care Provider Tax to 6 Percent

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

Sec. 1. 36 MRSA §2872, sub-§1, ¶C, as amended by PL 2007, c. 539, Pt. X, §1, is further amended to read:

C. For whole or partial facility fiscal years beginning on or after July 1, 2003 and before January 1, 2008, the tax imposed against each residential treatment facility is equal to 6% of its annual gross patient services revenue for the corresponding whole or partial facility fiscal year; ~~and~~

Sec. 2. 36 MRSA §2872, sub-§1, ¶D, as enacted by PL 2007, c. 539, Pt. X, §1, is amended to read:

~~D. Beginning For whole or partial facility fiscal years beginning on or after January 1, 2008 for any partial facility fiscal year and for whole facility fiscal years beginning on or after January 1, 2008 and before October 1, 2011, the tax imposed against each residential treatment facility is equal to 5.5% of its annual gross patient services revenue for the corresponding whole or partial facility fiscal year; and~~

Sec. 3. 36 MRSA §2872, sub-§1, ¶E is enacted to read:

E. Beginning October 1, 2011 for any partial facility fiscal year and for whole facility fiscal years beginning on or after October 1, 2011, the tax imposed against each residential treatment facility is equal to 6% of its annual gross patient services revenue for the corresponding whole or partial facility fiscal year.

Sec. 4. 36 MRSA §2872, sub-§2, ¶C, as amended by PL 2007, c. 539, Pt. X, §2, is further amended to read:

C. For whole or partial facility fiscal years beginning on or after July 1, 2003 and before January 1, 2008, the tax imposed against each nursing home is equal to 6% of its annual net operating revenue for the corresponding whole or partial facility fiscal year; ~~and~~

Sec. 5. 36 MRSA §2872, sub-§2, ¶D, as enacted by PL 2007, c. 539, Pt. X, §2, is amended to read:

~~D. Beginning For whole or partial facility fiscal years beginning on or after January 1, 2008 for any partial facility fiscal year and for whole facility fiscal years beginning on or after January 1, 2008 and before October 1, 2011, the tax imposed against each nursing home is equal to 5.5% of its annual net operating revenue for the corresponding whole or partial facility fiscal year; and~~

Sec. 6. 36 MRSA §2872, sub-§2, ¶E is enacted to read:

E. Beginning October 1, 2011 for any partial facility fiscal year and for whole facility fiscal years beginning on or after October 1, 2011, the tax imposed against each nursing home is equal to 6% of its annual net operating revenue for the corresponding whole or partial facility fiscal year.

Sec. 7. 36 MRSA §2873, sub-§4, as enacted by PL 2001, c. 714, Pt. CC, §3 and affected by §8 and amended by PL 2003, c. 689, Pt. B, §§6 and 7, is further amended to read:

4. Application of revenues. Revenues derived by the tax imposed by this chapter must be credited to a General Fund suspense account. On the last day of each month, the State Controller shall make the following transfers:

A. All revenues received by the assessor during the month pursuant to this chapter from nursing homes net of refunds must be credited to the Nursing Facilities Other Special Revenue funds account in the Department of Health and Human Services. ~~The Commissioner of Health and Human Services is authorized to make revenue transfers from the Nursing Facilities Other Special Revenue funds account to the Medical Care—Payments to Providers Other Special Revenue funds account and the Long Term Care—Human Services Other Special Revenue funds account in amounts not to exceed legislative allocations in any fiscal year~~ Beginning October 1, 2011, the revenues received in each fiscal year that result from the increase in the tax rate from 5.5% to 6% pursuant to section 2872, subsection 1, paragraph E must be applied first to reimburse nursing homes for the MaineCare portion of the increased tax expense, and all remaining revenue resulting from the increase must be applied to provide cost-of-living increases to MaineCare reimbursement to nursing homes and to medical and remedial private nonmedical institutions that are reimbursed room and board costs and certain other allowable costs under rules adopted by the Department of Health and Human Services. These rules must use a methodology that provides a cost-of-