

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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B. The commission may determine on its own motion to hold a hearing on an application, in which event it shall hold the hearing within 45 days of receiving the application.

C. Within 45 days after the commission adjourns any hearing held under this subsection, it shall make findings of fact and issue an order granting or denying approval to the applicant to construct, develop or operate the structure, subdivision or development as proposed or granting such approval upon such reasonable terms and conditions as the commission determines appropriate.

D. If the commission determines to act upon an application for approval without hearing, the commission, as expeditiously as possible, shall approve, with such terms and conditions as deemed necessary, or disapprove the application. In the event of a decision for disapproval, the commission shall notify the applicant and specify the grounds of disapproval and inform the applicant of any right to request a hearing.

E. All hearings and procedures conducted pursuant to this section shall be subject to the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, including the notice requirements in section 9051-A.

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

Effective April 1, 1988.

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## CHAPTER 654

S.P. 953 — L.D. 2525

### AN ACT to Include Certain Prisoners Within the Provisions of the Workers' Compensation Act.

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

**Sec. 1.** 39 MRSA §2, sub-§5, ¶E, as enacted by PL 1987, c. 210, is repealed and the following enacted in its place:

E. The term "employee" does not include any person who is a sentenced prisoner in actual execution of a term of incarceration imposed in this State or any other jurisdiction for a criminal offense, except in relation to compensable injuries suffered by the prisoner during incarceration and while the prisoner is:

(1) A prisoner in a county jail under final sentence of 72 hours or less and is assigned to work outside of the county jail;

(2) Employed by a private employer;

(3) Participating in a work release program; or

(4) Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261.

**Sec. 2.** 39 MRSA §102-A, as enacted by PL 1987, c. 559, Pt. B, §43, is repealed and the following enacted in its place:

#### §102-A. Incarceration of employee

1. Compensation while incarcerated. No compensation for incapacity under section 54-B or 55-B may be paid to any person during any period in which that person is a sentenced prisoner in actual execution of a term of incarceration imposed in this State or any other jurisdiction for a criminal offense, except in relation to compensable injuries suffered during incarceration and while the prisoner is:

A. Employed by a private employer;

B. Participating in a work release program; or

C. Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261.

2. Compensation forfeited. All compensation which is not payable under subsection 1 is forfeited.

**Sec. 3. Application.** This Act shall apply only to injuries which occur after the effective date of this Act.

Effective August 4, 1988.

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## CHAPTER 655

H.P. 1853 — L.D. 2536

### AN ACT to Clarify the Authority of Harbor Masters.

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

Whereas, the Legislature passed last year comprehensive legislation dealing with regulation of harbors; and

Whereas, there is some question of interpretation of a key provision in the Maine Revised Statutes, Title 38, section 7; and

Whereas, last year's legislation is to take effect April 1, 1988; and

Whereas, this date will have gone by before the necessary clarification can be made unless legislation is passed on an emergency basis; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Con-