

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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

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J.S. McCarthy Company  
Augusta, Maine  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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

Effective June 9, 1993.

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**CHAPTER 304**

**H.P. 1013 - L.D. 1359**

**An Act to Amend the Laws Concerning Medicare Supplement Insurance**

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

**Sec. 1. 24-A MRSA §5010-A** is enacted to read:

**§5010-A. Coverage of the disabled**

An issuer offering coverage under a Medicare supplement policy in this State shall offer coverage under its standardized plans to all individuals, regardless of age, who are entitled to Medicare benefits due to disability. Issuers shall give notice of Medicare supplement coverage to individuals enrolled in Medicare in advertising of Medicare supplement policies intended for use in this State. By January 1, 1994, the superintendent shall establish rules to ensure that the notice of the availability of coverage for the disabled is sufficiently advertised.

**Sec. 2. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1993-94

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Bureau of Insurance**

All Other \$2,000

Provides an allocation for additional rule-making costs relating to Medicare supplement insurance.

See title page for effective date.

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**CHAPTER 305**

**S.P. 404 - L.D. 1262**

**An Act Regarding Child Molestation**

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

**Sec. 1. 17-A MRSA §1322, sub-§3,** as amended by PL 1989, c. 872, §5 and c. 924, §13, is repealed and the following enacted in its place:

**3. Economic loss.** “Economic loss” includes economic detriment consisting of environmental clean-up expense, property loss, allowable expense, work loss, replacement services loss and, if injury causes death, dependent’s economic loss and dependent’s replacement services loss. Noneconomic detriment is not loss. Economic detriment is loss although caused by pain and suffering or physical impairment. “Economic loss” includes expenses of an emergency response by any public agency.

A. “Allowable expense” means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training, counseling services and other remedial treatment and care, and nonmedical remedial care and treatment rendered in accordance with a recognized religious method of healing. The term includes reasonable and customary charges incurred for expenses in any way related to funeral, cremation and burial. It does not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home, or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semiprivate accommodations, unless other accommodations are medically required.

B. “Dependent’s economic loss” means loss after a decedent’s death of contributions of things of economic value to the decedent’s dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent’s death.

C. “Dependent’s replacement loss” means loss reasonably incurred by dependents after a decedent’s death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of the decedent’s death and not subtracted in calculating dependent’s economic loss.

C-1. “Environmental clean-up expense” means any reasonable expense incurred for products and services needed to clean up any harm or damage caused to the environment, including any harm or damage caused by chemicals; to restore the environment to its previous condition prior to any harm or damage; and to properly dispose of chemicals and other materials, including those used in the manufacture of scheduled drugs in violation of chapter 45.

C-2. “Expense of an emergency response” means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but only includes those costs directly arising because of the response to the particular incident. Reasonable costs include the costs of providing police, firefighting, rescue and emergency medical services at the scene of the incident, as well as the compensation for the personnel responding to the incident. “Public agency” means the State or any county, municipality, district or public authority located, in whole or in part, within this State that provides or may provide police, firefighting, ambulance or other emergency services.

D. “Property loss” means the value of property taken from the victim, or of property destroyed or otherwise broken or harmed. A property loss includes the value of taxes or other obligations due to the government that have not been paid. “Property loss” also includes, in cases involving a violation of chapter 45, the value of money or other consideration given or offered in exchange for scheduled drugs by a law enforcement officer or another at the direction of a law enforcement officer that are not, in fact, recovered by the State at the time of sentencing, regardless of whether other money or items of value are sought, acquired or forfeited pursuant to Title 15, chapter 515. In cases involving a violation of chapter 45, the court must make a finding that the property loss is specifically related to that case.

E. “Replacement services loss” means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income but for the benefit of the injured person or the injured person’s family, if the injured person had not been injured.

F. “Work loss” means loss of income from work the injured person would have performed if the injured person had not been injured and expenses reasonably incurred by the injured person in obtaining services in lieu of those the injured person would have performed for income, reduced by any income for substitute work actually performed by the injured person or by income the injured person would have earned in available appropriate substitute work the injured person was capable of performing but unreasonably failed to undertake.

See title page for effective date.

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## CHAPTER 306

S.P. 329 - L.D. 1005

### An Act Relating to Activities Coordinators

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

**Sec. 1. 26 MRSA c. 32, first 3 lines** are repealed and the following enacted in their place:

#### **CHAPTER 32**

#### **JOB TRAINING PROGRAM FOR**

#### **ACTIVITIES COORDINATORS**

**Sec. 2. 26 MRSA §2161**, as enacted by PL 1991, c. 405, is amended to read:

#### **§2161. Scope**

This chapter establishes the Job Training Program for ~~Long-term Care Facilities Personnel Activities Coordinators~~, referred to in this chapter as the “program,” to provide assistance to the State’s long-term care facilities, as defined in Title 22, chapter 1666-B, facing serious shortages of adequately trained personnel for certain positions.

**Sec. 3. 26 MRSA §2162**, as enacted by PL 1991, c. 405, is repealed and the following enacted in its place:

#### **§2162. Administration; funding**

The program must be conducted under the auspices of the education delivery system.

**Sec. 4. 26 MRSA §2163**, as enacted by PL 1991, c. 405, is repealed.

**Sec. 5. 26 MRSA §2164**, as enacted by PL 1991, c. 405, is amended to read:

#### **§2164. Training for activities coordinators**

Under the program, training for activities ~~coordinator positions~~ coordinators in long-term care facilities must be as follows.

**1. Job training services.** Job training services, which are provided under the state job training system, must be coordinated by the Department of Labor and the Department of Human Services job training programs. These services may include, but are not limited to, outreach, recruitment, orientation, selection, preoccupational training, supportive services and needs-based stipends.

**2. Skill training.** Skill training must be provided by qualified training providers such as the State’s technical colleges to qualified participants who are either entering the field or are employed health care workers who want to upgrade their skills. Participants must may be referred by the state job training system.