

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.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

(1) The ATV has an engine size of 90 cubic centimeters or less;

(2) Has 4 or more wheels; and

(3) The American National Standards for Four-Wheel All-Terrain Vehicles, Equipment, Configuration, and Performance Requirements prescribed equipping the vehicle at the time of manufacture with the lighting equipment specified in subsection 16, paragraphs A, B and C.

Sec. 42. 12 MRSA §7861, sub-§3, as enacted by PL 1991, c. 443, §40, is amended to read:

3. Rock dove permits. Notwithstanding section 7456, the commissioner may issue permits to persons licensed as ~~breeders~~ under section ~~7235~~ 7235-A to take rock doves from the wild by the use of box traps or nets for the purpose of training sporting dogs pursuant to this section and section 7863.

Sec. 43. 12 MRSA §7863, sub-§5, ¶A, as enacted by PL 1987, c. 696, §18, is amended to read:

A. Notwithstanding this section, the commissioner may issue a permit to any person authorizing the use of firearms during the training of sporting dogs to shoot and kill wild birds propagated or legally acquired by the permittee and possessed in accordance with section ~~7235~~ 7235-A.

Sec. 44. 12 MRSA §7901, sub-§12, as enacted by PL 1987, c. 742, §11, is amended to read:

12. Guiding without a license. A violation of section 7371, subsection 3, as it applies to section 7311, subsection 1, is a Class D crime for which a fine of \$1,000 and imprisonment of 3 days ~~shall~~ must be imposed. Neither the fine nor the imprisonment may be suspended.

Sec. 45. Conveyance of interest in fishway. The Department of Inland Fisheries and Wildlife and the Atlantic Sea Run Salmon Commission are authorized to convey any interest that the State has in the Denil Fishway in the Milford Dam on the Penobscot River to the Bangor Hydro-Electric Company. The authorization is not intended and may not be construed to divest these agencies, or any other agency of State Government, of any regulatory authority that those agencies may have over the fishway or the dam.

Sec. 46. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1993-94

1994-95

INLAND FISHERIES
AND WILDLIFE,
DEPARTMENT OF

Resource Management Services

All Other	\$28,800	\$28,800
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Provides allocations for the operating expenses of the pheasant program.

See title page for effective date.

CHAPTER 439

H.P. 976 - L.D. 1307

An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, there is significant ambiguity in the law regarding who is responsible for workers' compensation coverage for forest fire wardens and laborers hired for forest fire-fighting activities; and

Whereas, this ambiguity could result in significant costs to forest fire wardens, hired laborers, the State and municipalities should the forest fire wardens or hired laborers be injured while performing their duties; 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. 39-A MRSA §112 is enacted to read:

§112. Workers' compensation coverage for forest firefighters

Notwithstanding Title 12, section 8901, subsection 2 and Title 12, sections 8902, 8905, 9201, 9202, 9204 and 9205, workers' compensation coverage is provided to for-

est fire wardens and laborers hired by municipalities for forest fire-fighting activities as follows.

1. Municipal responsibility. The municipality is responsible for workers' compensation costs for injuries that occur while the municipality is in actual control of forest fire-fighting activities.

2. State responsibility. The State is responsible for workers' compensation costs for injuries that occur while the State is in actual control of forest fire-fighting activities.

For purposes of this section, "actual control" means on-site supervisory responsibility for the entire command structure directing forest fire-fighting activities at the fire scene. A municipality is assumed to be in actual control until the State accepts or takes actual control.

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

Effective July 13, 1993.

CHAPTER 440

S.P. 248 - L.D. 767

An Act to Expand the Definition of Escape

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

Sec. 1. 17-A MRSA §755, sub-§1-C is enacted to read:

1-C. A person is guilty of escape from furlough or other rehabilitative program authorized under Title 34-A, section 3035 if that person intentionally goes to a location other than that permitted by the terms of the leave.

Sec. 2. 17-A MRSA §755, sub-§4, ¶B, as repealed and replaced by PL 1977, c. 510, §64, is repealed and the following enacted in its place:

B. A Class D crime if the person:

(1) Escapes from arrest or escapes from custody while the person is being transported to a jail, police station or any other facility enumerated in subsection 3, pursuant to an arrest, unless the escape is committed in the manner described in paragraph A; or

(2) Violates subsection 1-C; or

See title page for effective date.

CHAPTER 441

H.P. 138 - L.D. 183

An Act to Remove the Repeal Date from the Laws Governing Equitable Insurance Coverage for Mental Illness

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

Sec. 1. 24 MRSA §2325-A, sub-§5-C is enacted to read:

5-C. Coverage for certain mental illness treatment. Coverage for medical treatment for mental illnesses listed in paragraph A is subject to this subsection. Nothing in this subsection requires benefit levels or maximum life-time or annual benefits for medical treatment for mental illness that exceed the benefit levels or maximum life-time or annual benefits for other illnesses and diseases.

A. All group contracts must provide at a minimum benefits according to paragraph B, subparagraphs (1) to (3) for the usual, customary and reasonable charges for a person receiving medical treatment for:

(1) Schizophrenia;

(2) Bipolar disorder;

(3) Pervasive developmental disorder, or autism;

(4) Childhood schizophrenia;

(5) Psychotic depression, or involuntal melancholia;

(6) Paranoia;

(7) Panic disorder;

(8) Obsessive-compulsive disorder; or

(9) Major depressive disorder.

B. All policies and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1994 must provide benefits that meet the requirements of this paragraph. For purposes of this paragraph, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

(1) The contracts must provide inpatient care benefits of at least 60 days per calendar year.

(2) The contracts must provide outpatient care benefits of at least \$2,000 for any com-