

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

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Augusta, Maine
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PART D

Sec. D-1. 14 MRSA §8102, sub-§1, as repealed and replaced by PL 1989, c. 878, Pt. A, §42, is amended to read:

1. Employee. "Employee" means a person acting on behalf of ~~the~~ a governmental entity in any official capacity, whether temporarily or permanently, and whether with or without compensation from local, state or federal funds, including elected or appointed officials; volunteer firefighters as defined in Title 30-A, section 3151; emergency medical service personnel; members and staff of the Consumer Advisory Board pursuant to Title 34-B, section 1216; ~~members of the Maine National Guardsmen while receiving state active duty pay under Title 37-B, section 143, in accordance with Title 37-B, sections 181 to 183 and 742, and while engaged in the Domestic Action Program Guard but only while performing state active service pursuant to Title 37-B; and sheriffs' deputies as defined in Title 30-A, section 381 when they are serving orders pursuant to section 3135, but the term "employee" does not mean a person or other legal entity acting in the capacity of an independent contractor under contract to the governmental entity.~~

Sec. D-2. 14 MRSA §8104-B, sub-§5, as enacted by PL 1987, c. 740, §4, is amended to read:

5. Activities of state military forces. The activities of the state military forces when ~~receiving state active duty pay under Title 37-B, section 143, in accordance with Title 37-B, sections 181 and 182, intervention in insurrections and Title 37-B, section 183, human health emergency assistance on duty pursuant to Title 37-B or 32 United States Code;~~

See title page for effective date.

CHAPTER 197
S.P. 375 - L.D. 1052

An Act to Allow the Collection of Reimbursement for Medical Expenses

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

Sec. 1. 30-A MRSA §1562, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

§1562. Restitution

The imposition of restitution at all jails is subject to the following conditions.

1. Damage to property. Restitution may be imposed for the purpose of replacing or repairing property destroyed or damaged by a prisoner or juvenile while the prisoner or juvenile is at the jail. When restitution is imposed at a jail, a prisoner or a juvenile who is subject to that restitution and who is able to generate money from whatever source shall pay 25% of that money to the facility where the damage occurred. The facility shall collect that money and apply it to defray the cost of replacement or repair of the items destroyed or damaged.

2. Medical care. Restitution may be imposed for the purpose of paying the cost of medical care incurred as a result of the conduct of a prisoner or juvenile while the prisoner or juvenile is at the jail. When restitution is imposed at a jail, a prisoner or a juvenile who is subject to that restitution and who is able to generate money from whatever source shall pay 25% of that money to the jail where the medical care was provided. The facility shall collect that money and apply it to defray the cost of medical care.

3. Transfer of prisoner or juvenile. A prisoner or juvenile who is transferred to another facility remains liable for any restitution authorized under this subchapter. The facility receiving the prisoner or juvenile shall collect the restitution and transfer it to the facility where the damage occurred or where the medical care was provided.

4. Money available. Restitution is not authorized if its imposition would create an excessive financial hardship, as determined by the sheriff, on the dependents of the prisoner. Any payments made for the support of the dependents that are required by the Department of Human Services may not be used for restitution payments.

Sec. 2. 34-A MRSA §3032, sub-§5-A, as amended by PL 1991, c. 314, §38, is further amended to read:

5-A. Restitution. The imposition of restitution at all facilities is subject to the following conditions.

A. Restitution may be imposed for the purpose of replacing or repairing property destroyed or damaged by the prisoner or juvenile while the prisoner or juvenile is at the institution. When restitution is imposed ~~as a punishment~~ at a facility, ~~any~~ a prisoner or ~~any~~ a juvenile who is subject to that ~~punishment~~ restitution and who is able to generate ~~income~~ money from whatever source, shall pay 25% of that ~~income~~ money to the facility where the damage occurred. The facility shall collect that ~~income~~ money and apply it to defray the cost of replacement or repair of the items destroyed or damaged. ~~Restitution is not authorized if the imposition of that punishment would create an excessive financial~~

~~hardship, as determined by the department, on the dependents of the client. Any payments made for the support of the dependents that is required by the Department of Human Services is not available for restitution payments.~~

A-1. Restitution may be imposed for the purpose of paying the cost of medical care incurred as a result of the conduct of a prisoner or juvenile while the prisoner or juvenile is at the institution. When restitution is imposed at a facility, a prisoner or a juvenile who is subject to that restitution and who is able to generate money from whatever source shall pay 25% of that money to the facility where the medical care was provided. The facility shall collect that money and apply it to defray the cost of medical care.

B. A prisoner or juvenile who is transferred to another facility remains liable for any restitution authorized under this chapter. The facility receiving the prisoner or juvenile ~~must~~ shall collect the restitution and transfer it to the facility where the damage occurred or where the medical care was provided.

C. Restitution is not authorized if its imposition would create an excessive financial hardship, as determined by the department, on the dependents of the prisoner. Any payments made for the support of the dependents that are required by the Department of Human Services may not be used for restitution payments.

See title page for effective date.

CHAPTER 198

H.P. 840 - L.D. 1171

An Act to Correct a Fishing Zone Definition Error

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

Sec. 1. 12 MRSA §6749-N, sub-§1, as enacted by PL 1993, c. 740, §3, is amended to read:

1. Zone 1. Zone 1, from April 1st to August 15th. For the purposes of this article, "Zone 1" means all coastal waters west of a line beginning at the easternmost point of Fort Point State Park on Cape Jellison then running southwesterly to channel marker #1 south of Sears Island, then running southwesterly to channel marker ~~W2~~ BW "11" located between Marshall's Point and Bayside in the Town of Northport, then running southwesterly to channel marker #9 east of Great Spruce Head located in the Town of Northport, then running southerly to Graves channel

marker northeast of the Town of Camden, then running southeasterly to the Penobscot Bay Buoy east of Rockland harbor, then running southerly to the TB1 whistle southwest of Junken Ledge, then running southeasterly to Red Nun #10 buoy at Foster Ledges, then running due south magnetic to the boundary of the State's coastal waters; and

See title page for effective date.

CHAPTER 199

S.P. 109 - L.D. 285

An Act Concerning Placement of Modular Homes

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

Sec. 1. 30-A MRSA §4358, sub-§2, ¶E, as enacted by PL 1993, c. 299, §1, is amended to read:

E. Notwithstanding any other provision of law, any modular home that meets ~~the provisions of the municipality's building code or, in the absence of a municipal building code, the Building Officials and Code Administrators National Code (1990), 11th edition, as published by the Building Officials and Code Administrators International, Incorporated and as subsequently revised and amended,~~ construction standards for state-certified manufactured homes adopted pursuant to Title 10, section 9042 must be allowed in all zones where other single-family homes are allowed.

See title page for effective date.

CHAPTER 200

S.P. 448 - L.D. 1221

An Act to Establish Responsibility for the Investigation of the Use of Deadly Force by Law Enforcement Officers

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.