

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

4. Payments from prisoner's facility account.

After payment of the initial partial filing fee, the person shall make monthly payments of 20% of the preceding month's deposits credited to the person's facility account. The facility having custody of the person shall forward monthly payments from the account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fee is paid in full.

5. Restrictions on filing fee. The filing fee collected may not exceed the amount of the fee permitted by law for the commencement of a civil action or an appeal of a civil action. A person may not be prohibited from bringing a civil action or appealing a civil action if the court finds that the action or appeal is not frivolous and has been brought in good faith and that the person has no assets and no means by which to pay the initial partial filing fee.

6. Payment of outstanding restitution orders. Any compensatory damages awarded to a person in connection with a civil action brought with respect to a condition of the person's confinement or the effect of an action or inaction by a government official on the life of the person confined must be paid directly to satisfy any outstanding restitution orders pending against the person, whether as the result of court proceedings or facility disciplinary proceedings. The remainder of any such award, after full payment of all pending restitution orders, must be forwarded to the person.

7. Notification to victim. Prior to payment of any compensatory damages awarded to a person in connection with a civil action brought with respect to a condition of the person's confinement or the effect of an action or inaction by a government official on the life of the person confined, reasonable efforts must be made to notify the victims of the crime for which the person was confined concerning the pending payment of any such compensatory damages.

8. Civil liability. Neither the failure to perform the requirements of this section nor compliance with this section subjects the Commissioner of Corrections, the Department of Corrections, the county jail, the employees or officers of the department or jail or the attorney representing any of them to liability in a civil action.

See title page for effective date.

CHAPTER 76**S.P. 162 - L.D. 491**

**An Act to Amend Provisions of the
Probate Code Relating to Depositing
Wills in Court within the Testator's
Lifetime**

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

Sec. 1. 18-A MRSA §2-901, as enacted by
PL 1979, c. 540, §1, is amended to read:

**§2-901. Disposition of will deposited with court in
testator's lifetime**

A will may be deposited by the testator or his agent for safekeeping, under rules of the court, with the court in the office of the register of probate in the county in which the testator is domiciled at the time of the will's deposit. Such will shall be enclosed in a sealed wrapper, endorsed with the name and residence of the testator and the date when deposited, and may have endorsed thereon the name of any person to whom it is to be delivered after the death of the testator. During the testator's lifetime a deposited will shall be deposited for safekeeping with the court in the office of the register of probate must be delivered only to ~~him~~ the testator or to a person authorized in writing signed by ~~him~~ the testator to receive the will. A conservator may be allowed to examine a deposited will of a protected testator under procedures designed to maintain the confidential character of the document to the extent possible and to ~~assure~~ ensure that it will be resealed and left on deposit after the examination. Upon being informed of the testator's death, the court shall notify any person designated to receive the will and deliver it to ~~him~~ that designated person on request; or the court may deliver the will to the appropriate court.

See title page for effective date.

CHAPTER 77**S.P. 178 - L.D. 561**

**An Act to Provide the Maine
Turnpike Authority with
Representation on the State
Employee Health Commission**

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

Whereas, the Maine Turnpike Authority currently has no representation on the State Employee Health Insurance Commission; and

Whereas, this legislation gives the Maine Turnpike Authority a labor and a management representative on the State Employee Health Commission; and

Whereas, the State Employee Health Commission is developing a request for proposal for bids on the next contract for the state employee health insurance program; and

Whereas, this legislation is necessary to enable the Maine Turnpike Authority representatives to the State Employee Health Commission to participate in the request for proposal process regarding the contract for the state employee health insurance program; 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. 5 MRSA §285-A, sub-§2, as amended by PL 1995, c. 97, §1, is further amended to read:

2. Membership. The State Employee Health Commission consists of ~~18~~ 20 labor and management members as follows:

A. One labor member from each bargaining unit recognized under Title 26, chapter 9-B, appointed by the employee organization certified to represent the unit;

B. One labor member from the largest bargaining unit recognized under Title 26, chapter 14, appointed by the employee organization authorized to represent the unit;

C. One labor member appointed by the retiree chapters of the Maine State Employees Association;

C-1. One labor member from Maine Turnpike Authority employees appointed by the employee organization authorized to represent the employees;

D. Four management members appointed by the Commissioner of Administrative and Financial Services;

E. One management member appointed by the Court Administrators;

F. The Executive Director of Health Insurance, ex officio;

G. One member representing retirees appointed by the Maine Association of Retirees;

H. One labor member from the Maine Technical College System faculty or administrative unit, appointed by the employee organization authorized to represent the units; ~~and~~

I. One management member from the Maine Technical College System appointed by the President of the Maine Technical College System; ~~and~~

J. One management member appointed by the Executive Director of the Maine Turnpike Authority.

All appointed or elected members serve at the pleasure of their appointing or electing authorities.

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

Effective April 10, 1997.

CHAPTER 78

S.P. 212 - L.D. 671

An Act Concerning Towing in Cable Areas

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

Sec. 1. 12 MRSA §6954, sub-§1, as amended by PL 1983, c. 663, §3, is further amended to read:

1. Violation. It is unlawful to ~~use any~~ operate any watercraft when towing a drag or trawl along the seabed in any waters that are identified or marked as underwater cable or pipeline areas, either as shown on the most recently published United States Government nautical chart, or as shown or described by rule adopted by the commissioner. The commissioner may make rules showing or describing the locations of underwater cables or pipelines ~~which that~~ are not identified on the most recent United States Government nautical charts. A drag or trawl must be lifted out of the water to transit the cable area.