

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

## CHAPTER 172

H.P. 469 - L.D. 640

**An Act Requiring Qualified  
Investigation of Certain Truck-  
related and Bus-related Fatalities**

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

**Sec. 1. 29-A MRSA §2251, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Investigation.** A law enforcement officer who investigates a reportable accident shall:

A. Interview participants and witnesses; and

B. Within 5 days from the time of notification of the accident, transmit a written report containing all available information to the Chief of the State Police.

Every reported accident must be promptly investigated.

If the accident results in serious bodily injury or death of any person, the investigation must be conducted by an officer who has met the training standards of a full-time law enforcement officer. A law enforcement officer who investigates an accident involving a bus or truck with a gross vehicle weight rating or a registered weight in excess of 10,000 pounds that results in the death of any person shall request a certified accident reconstructionist and the Bureau of State Police Commercial Vehicle Enforcement Unit to assist in the investigation of the accident. The Attorney General shall designate an assistant attorney general familiar with federal commercial vehicle laws and regulations to serve as a resource to any district attorney who initiates a prosecution arising from an accident involving a bus or truck with a gross vehicle weight rating or a registered weight in excess of 10,000 pounds that results in the death of any person.

See title page for effective date.

## CHAPTER 173

H.P. 739 - L.D. 1003

**An Act to Amend the Maine Civil  
Legal Services Fund**

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

**Sec. 1. 4 MRSA §18-A, sub-§1, ¶B**, as enacted by PL 1991, c. 503, is amended to read:

B. Money Except as provided in paragraph C, money in the fund must be disbursed by the administrator in accordance with allocations approved by the Legislature to legal service providers to support the provision of free civil legal services to low-income people or the needy elderly in this State. Money disbursed from the fund may not be used by a recipient to support lobbying as defined in Title 3, section 312-A, subsection 9, unless the recipient is responding to a request by a Legislator or a member of the Executive Department. Only the following legal service providers may receive disbursement to provide free civil legal services:

(1) Nonprofit organizations whose missions are to provide free civil legal services and who have at least one year of experience providing free civil legal services;

(2) Legal aid clinics of accredited law schools operating exclusively in Maine; and

(3) Programs whose primary mission is to coordinate pro bono legal services for low-income people in this State.

**Sec. 2. 4 MRSA §18-A, sub-§1, ¶C** is enacted to read:

C. In the first year the Judicial Department may draw from the fund any programming, printing and distribution costs that are necessary to implement surcharges on fines, penalties or forfeitures as provided in subsection 3-A.

**Sec. 3. 4 MRSA §18-A, sub-§2**, as enacted by PL 1991, c. 503, is amended to read:

**2. Administration.** The Supreme Judicial Court, or a person or organization designated by the court, is the administrator and shall administer the fund. The administrator shall disburse funds according to determinations made by the commission established in subsection 6. The administrator shall report at least annually to the Legislature on the previous year's income and expenditures.

**Sec. 4. 4 MRSA §18-A, sub-§3**, as enacted by PL 1991, c. 503, is repealed.

**Sec. 5. 4 MRSA §18-A, sub-§3-A** is enacted to read:

**3-A. Funding.** Funding for the fund may be provided by the following methods.

A. For any filing fee increase or new filing fee established after September 1, 1997, the following amounts must be deposited in the fund:

(1) The first \$20 of any increase in each Supreme Judicial Court filing fee or of any new fee;

(2) The first \$20 of any increase in each Superior Court filing fee or of any new fee; and

(3) The first \$10 of any increase in each filing fee or of any new fee in any other court except for fees filed to commence a small claims action.

This paragraph does not apply to filings for which the filing fee is waived or there is no filing fee.

B. A surcharge of \$5 must be imposed by a court on each civil fine, penalty or forfeiture imposed by the court and deposited in the fund.

**Sec. 6. 4 MRSA §18-A, sub-§5**, as enacted by PL 1991, c. 503, is repealed.

**Sec. 7. 4 MRSA §18-A, sub-§6** is enacted to read:

**6. Distribution of funds.** The Supreme Judicial Court shall appoint the Civil Legal Services Fund Commission, consisting of 3 persons knowledgeable about the problems of ensuring access to justice in this State, to determine how to distribute the funds in accordance with subsection 1 in a manner that will most efficiently and effectively maintain and enhance access to justice in this State. The commission shall review the allocation at least every 4 years or on the request of any member of the commission and shall make adjustments to the allocation when appropriate. Funds must be distributed at least quarterly with the first distribution occurring no later than January 2, 1998. The commission shall compile information on the types of cases handled by recipient organizations and shall report this information and its allocation decisions to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than February 1, 1999.

**Sec. 8. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

**1997-98      1998-99**

**JUDICIAL  
DEPARTMENT**

**Maine Civil Legal  
Services Fund**

All Other	\$319,346	\$425,795
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Allocates funds for free civil legal services to low-income or needy people and one-time computer reprogramming and printing costs.

See title page for effective date.

**CHAPTER 174**

**H.P. 1062 - L.D. 1500**

**An Act to Increase Access to and  
Affordability of Mental Health  
Services**

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

**Sec. 1. 24-A MRSA §4234-A, sub-§8-A** is enacted to read:

**8-A. Mental health services provided by counseling professionals.** A health maintenance organization that issues individual or group health care contracts providing coverage for mental health services shall offer coverage for those services when performed by a counseling professional who is licensed by the State pursuant to Title 32, chapter 119 to assess and treat interpersonal and intrapersonal problems, has at least a masters degree in counseling or a related field from an accredited educational institution and has been employed as counselor for at least 2 years. Any contract providing coverage for the services of counseling professionals pursuant to this subsection may be subject to any reasonable limitations, maximum benefits, coinsurance, deductibles or exclusion provisions applicable to overall benefits under the contract. This subsection applies to all contracts executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1998. For purposes of this subsection, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

**CHAPTER 175**

**H.P. 211 - L.D. 275**

**An Act to Allow Property Tax Credit  
to Lessees of Motor Vehicles**