

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

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Sec. 6. 4 MRSA §18-A, sub-§5, as enacted by PL 1991, c. 503, is repealed.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

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

Sec. 1. 36 MRSA §1482, sub-§5, as amended by PL 1987, c. 79, §§6 and 7, is further amended to read:

5. Credits. Any owner or lessee who has paid the excise or property tax for a vehicle the ownership or registration of which is transferred, or which that is subsequently totally lost by fire, theft or accident or which that is subsequently totally junked or abandoned, in the same calendar year or registration year, ~~shall be~~ is entitled to a credit to the maximum amount of the tax previously paid in ~~such that~~ year or period for any one vehicle toward the tax for any number of vehicles, regardless of the number of transfers which that may be required of ~~him~~ the owner or lessee in the same calendar year or registration year.

A. ~~Such~~ The credit shall ~~must~~ be allowed given in any place in which the excise tax is payable.

B. For each transfer made in the same calendar year or registration year, the owner shall pay \$3 to the place in which the excise tax is payable.

C. From November 1st to the last day of February ~~such the credit shall may~~ not exceed 1/2 the amount of the maximum tax, except that for automobiles, trucks and truck tractors, during the last 4 months of the registration year, ~~such the credit shall may~~ not exceed 1/2 the maximum tax.

D. No portion of any excise tax once paid shall ~~may~~ be repaid to any person by reason of the transfer of vehicles or discontinuance of the use of a vehicle.

E. For the purposes of this subsection, the term, "owner" ~~shall include~~ includes the surviving spouse.

See title page for effective date.

CHAPTER 176

H.P. 138 - L.D. 180

An Act to Amend the Motor Vehicle Laws Regarding Proof of Financial Responsibility and to Increase the Required Minimum Amounts of Liability Insurance Coverage

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

Sec. 1. 29-A MRSA §1601, sub-§6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6. Suspension. Thirty days after the receipt of an abstract of an adjudication of a violation of this section, the Secretary of State shall suspend:

A. The license of that person;

B. The registration of a vehicle owned by that person; or

C. The right to apply for a driver's license or vehicle registration.

The suspension continues until that person provides ~~evidence of insurance~~ proof of financial responsibility to the Secretary of State pursuant to section 1605.

Sec. 2. 29-A MRSA §1601, sub-§7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 3. 29-A MRSA §1601, sub-§7-A is enacted to read:

7-A. Proof of financial responsibility following adjudication. A person who is adjudicated of a violation of this section is subject to the proof of financial responsibility requirements provided in section 1605.

Sec. 4. 29-A MRSA §1602, sub-§6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6. Insurance report. Within 15 days of receipt of notice from the Secretary of State that a policy was carried at the time of the accident or that the liability for damages was covered by another form of insurance or bond, an insurance carrier shall notify the Secretary of State if that policy was not in effect at the time of the accident. The Secretary of State may impose an administrative penalty of \$50 for each day after 15 days that the insurance carrier fails to notify the Secretary of State as required in this subsection.

Sec. 5. 29-A MRSA §1605, sub-§1, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. Be in the amount or limit of at least:

(1) ~~\$10,000 for~~ For damage to property, \$25,000;

(2) ~~\$20,000 for~~ For injury to or death of any one person, \$50,000; and