

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

may adopt, in accordance with the Maine Administrative Procedure Act, rules regarding all such laws, except where this authority is granted to a board or commission. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. The director shall, on or before the first day of July, biennially, report to the Governor, and may make such suggestions and recommendations as the director may deem necessary for the information of the Legislature. The director may from time to time cause to be printed and distributed bulletins upon any subject that shall be of public interest and benefit to the State and may conduct a program of research, education and promotion to reduce industrial accidents. The director may review various data, such as workers' compensation records, as well as other information relating to any public or private employer's safety experience. When any individual public or private employer's safety experience causes the director to question seriously the safe working environment of that employer, the director may offer any safety education and consultation programs to that employer that may be beneficial in providing a safer work environment. If the employer refuses this assistance or is in serious noncompliance which may lead to injuries, or if serious threats to worker safety continue, then the director shall communicate concerns to appropriate agencies, such as the United States Occupational Safety and Health Administration. As used in this section, the term "noncompliance" means a lack of compliance with any applicable health and safety regulations of the United States Occupational Safety and Health Administration or other federal agencies. The bureau ~~shall be~~ is responsible for the enforcement of indoor air quality and ventilation standards with respect to state-owned buildings and buildings leased by the State. The bureau shall enforce air quality standards in a manner to ensure that corrections to problems found in buildings be made over a reasonable period of time, using consent agreements and other approaches as necessary and reasonable.

See title page for effective date.

CHAPTER 378

H.P. 1184 - L.D. 1675

An Act to Amend the Victims' Compensation Fund

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

Sec. 1. 5 MRSA §3360, sub-§3, ¶D, as enacted by PL 1991, c. 806, §3, is amended to read:

D. Robbery as described in Title 17-A, chapter 27; ~~or~~

Sec. 2. 5 MRSA §3360, sub-§3, ¶E, as amended by PL 1995, c. 65, Pt. A, §8 and affected by §153 and Pt. C, §15, is further amended to read:

E. Operating under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as described in Title 29-A, section 2411; ~~or~~

Sec. 3. 5 MRSA §3360, sub-§3, ¶F is enacted to read:

F. An act of terrorism, as defined in United States Code, Title 18, Section 2331, committed outside of the United States against a resident of this State.

Sec. 4. 5 MRSA §3360, sub-§5 is enacted to read:

5. Family or household member. "Family or household member" means: the parent, stepparent, sibling, grandparent, spouse, child or stepchild of a victim; or a person who at the time or discovery of the crime was living in the household of the victim or who previously had lived in the household of the victim for a period of not less than 2 years.

Sec. 5. 5 MRSA §3360-B, as enacted by PL 1991, c. 806, §3, is amended to read:

§3360-B. Award of compensation; eligibility

1. Eligibility of victims. The board may award compensation to any individual who:

A. Suffers bodily injury as a direct result of a crime specified in section 3360, committed within the jurisdiction of the State;

B. Has been sexually assaulted within this State in violation of Title 17-A, chapter 11 without regard to whether bodily injury occurred; ~~or~~

C. Would otherwise be eligible for compensation, even though:

(1) The criminal conduct occurred in this State but within the exclusive jurisdiction of the United States;

(2) The bodily injury resulted from conduct that violates a criminal law of the United States; or

(3) The crime occurred in another state, but only if the person is a resident of this State and the other state does not have a victim compensation program for which residents

of this State are eligible, and the person would have been eligible under this chapter if the conduct had occurred in this State; or

D. Is a resident of this State and suffers bodily injury as a direct result of a crime specified in section 3360, subsection 3, paragraph F committed outside of the United States.

2. Eligibility of financial dependents. The board may award compensation for the benefit of a surviving family or household member for lost wages of a person who dies as a direct result of a crime if the family or household member was financially dependent on the deceased person or the deceased person had contributed substantially and regularly to the support of the surviving family or household member.

3. Eligibility for payment of mental health treatment for family members. The board may award compensation for the benefit of a surviving family or household member of a person who dies as a direct result of a crime, a family or household member who witnessed a crime or a family or household member of a sexual assault victim who is a minor for unreimbursed mental health treatment expenses directly related to the crime.

Sec. 6. 5 MRSA §3360-C, sub-§2, ¶A, as enacted by PL 1991, c. 806, §3, is amended to read:

A. To any claimant who does not fully cooperate with the board or with the reasonable requests of law enforcement officers; or prosecution authorities ~~and the board;~~ or

Sec. 7. 5 MRSA §3360-D, sub-§3, as enacted by PL 1991, c. 806, §3, is amended to read:

3. Forms. The board may provide forms ~~by rule~~ for the submission of claims and claims information.

Sec. 8. 5 MRSA §3360-D, sub-§4 is enacted to read:

4. Confidentiality. All records and information obtained by or in the possession of the Department of the Attorney General concerning an application for or an award of compensation under this chapter are confidential and may not be disclosed. However, the Attorney General may provide access to those records and information to the board for use in the board's official duties; those records and information remain confidential in the possession of the board. The records or information may, at the sole discretion of the Attorney General or designee of the Attorney General, be disclosed to:

A. Law enforcement officers to assist them with the discharge of their official duties;

B. The courts and the Department of Corrections to provide them with information to assess, collect and disburse restitution;

C. A claimant who has requested a hearing before the board or who has appealed a final decision of the board; and

D. Other persons to carry out the purposes of this chapter.

Sec. 9. 5 MRSA §3360-E, as amended by PL 1995, c. 665, Pt. JJ, §1 and affected by §2, is further amended to read:

§3360-E. Payment of awards; limits

The board may award compensation to a claimant of up to ~~\$5,000~~ \$7,500 for actual and unreimbursed losses and eligible expenses of any person who is sexually assaulted or who suffers bodily injury or death as the result of a crime specified in section 3360, subsection 3.

An award of compensation for the benefit of a family or household member is derivative of the claim of the victim. The total compensation paid for all claims arising from the crime against the victim may not exceed \$7,500.

Within the limits specified in this section, ~~the spouse, child, parent or estate of a person who when a person dies as the direct result of a specified crime may seek compensation for unreimbursed, any individual who pays or who is legally responsible for medical, medically related and, funeral or burial expenses may seek compensation for those unreimbursed expenses incurred by the spouse, child, parent or estate. Only a spouse, minor child, dependent parent or dependent adult child may be awarded compensation for lost wages of a deceased person the individual. A provider of medical or funeral services may not seek reimbursement directly.~~

~~The board shall disburse funds awarded directly to the claimant. The board, in its sole discretion, may disburse funds awarded directly to the claimant or to the individuals or entities who provided the services for which compensation was awarded. In the case of more than one survivor of a deceased person family or household member, the board may apportion the total compensation as the board determines.~~

Sec. 10. 5 MRSA §3360-F, sub-§2, as enacted by PL 1991, c. 806, §3, is amended to read:

2. Information. In addition to the material and information required by law and by the board, the claimant may provide the board with any other information pertinent to the nature or the amount of the claim. The board shall receive and consider

information provided by law enforcement agencies and prosecution authorities. ~~Identified perpetrators may also submit information and, at its sole discretion, may receive and consider relevant information from any other source.~~

Sec. 11. 5 MRSA §§3360-G and 3360-H, as enacted by PL 1991, c. 806, §3, are amended to read:

§3360-G. Appeal

Only a claimant under this chapter may appeal a decision of the board. An appeal of the board's final decisions must be to the Superior Court as provided for other administrative actions under chapter 375, subchapter VII. Board decisions and the amount of awards must be upheld unless the court finds no rational basis for the decision or that the board abused its discretion.

§3360-H. Victims' Compensation Fund

There is created a special fund, known as the "Victims' Compensation Fund," for the purpose of providing for the payment of claims arising under this chapter and for the payment of all necessary and proper expenses incurred by the board. The Attorney General shall administer the fund.

All administrative costs of the board must be paid out of money collected pursuant to section 3360-I and deposited in the Victims' Compensation Fund. The fund may receive private donations, federal funds and state funds designated by law that may be used for the payment of claims and for administrative costs.

Sec. 12. 5 MRSA §3360-J, sub-§1, as enacted by PL 1991, c. 806, §3, is amended to read:

1. Administrative expenses. Administrative expenses of the board may be paid from the Victims' Compensation Fund. ~~After the first year, the Attorney General may use no more than 7.5% of the Victims' Compensation Fund to defray the administrative expenses of the board.~~

Sec. 13. 15 MRSA §3308, sub-§9 is enacted to read:

9. Records of Juvenile Court. Notwithstanding any other provision of this section, records of Juvenile Court proceedings and the police records and other records described in subsection 5 must be open to inspection by the Victims' Compensation Board at any time if a juvenile is alleged to have committed an offense upon which an application to the board is based.

Sec. 14. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1997-98 1998-99

**ATTORNEY GENERAL,
DEPARTMENT OF THE**

**Victims' Compensation
Board**

Positions - Legislative Count	(0.500)	(0.500)
Personal Services	\$10,910	\$11,473

Allocates funds to
increase one part-time
Research Assistant
position from 20 hours
per week to 30 hours per
week to assist in handling
additional workload.

See title page for effective date.

CHAPTER 379

H.P. 1234 - L.D. 1751

**An Act to Amend the Licensure Act
for Speech Pathologists and
Audiologists**

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

Sec. 1. 32 MRSA c. 77, first 2 lines are repealed and the following enacted in their place:

CHAPTER 77

**SPEECH-LANGUAGE PATHOLOGISTS AND
AUDIOLOGISTS**

Sec. 2. 32 MRSA §§6001 and 6002, as enacted by PL 1975, c. 705, §4, are amended to read:

§6001. Title

This chapter may be cited as the "Licensure Act for ~~Speech~~ Speech-language Pathologists and Audiologists."

§6002. Statement of purpose

It is declared to be a policy of the State that in order to safeguard the public health, safety and welfare; to protect the public from being misled by incompetent, unscrupulous and unauthorized persons and from unprofessional conduct on the part of qualified ~~speech~~ speech-language pathologists and audiologists; and to help ~~assure~~ ensure the availability of the highest possible quality ~~speech~~ speech-language pathology and audiology services to the communicatively handicapped people of this State, it is necessary