

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

- (1) A handling fee per case, \$20; and
- (2) Anticipated costs of providing the item or service, including shipping charges.

2. Report documents. For purposes of this section, "report documents" in a medical examiner case include the written report under section 3028, subsection 7; the written report of the findings of the autopsy under section 3028, subsection 8; and associated reports, including, but not limited to, toxicological reports, reports of forensic experts, reports of consultants and reports relating to harvested organs.

3. Exemptions. Exemptions from paying the fees established in subsection 1 are as follows.

- A. A governmental agency is exempt from all fees in subsection 1.
- B. A health care provider who has rendered service to the deceased is exempt from fees for the copy of report documents under subsection 1, paragraph A, subparagraphs (1) and (2).
- C. A next of kin of the deceased, as defined under section 2843-A, is exempt from the fee for one copy per family of report documents under subsection 1, paragraph A, subparagraphs (1) and (2).

4. Waiver. Notwithstanding the fee schedule under subsection 1, paragraph A, fees for report documents relating to a medical examiner case may be waived at the discretion of the Chief Medical Examiner.

5. Deposit of fees. All fees collected must be deposited in a dedicated account within the Office of Chief Medical Examiner. At the end of each fiscal year, the State Controller shall transfer all unencumbered balances in excess of \$500 to the General Fund as undedicated revenue.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1998-99

**ATTORNEY GENERAL,
DEPARTMENT OF THE
Chief Medical Examiner - Office of**

All Other	\$13,750
Provides for the allocation of funds for costs related to providing documents, slides	

and other items or services related to medical examiner cases.

See title page for effective date.

CHAPTER 599

S.P. 564 - L.D. 1721

An Act Regarding Appointment to the Maine Public Broadcasting Board of Trustees

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

Sec. 1. PL 1991, c. 848, §3, 2nd ¶ is amended to read:

The transfer may occur only if the transferee corporation has a board of trustees that includes the chancellor of the University of Maine System; 3 members representing the Board of Trustees of the University of Maine System; the President of Bates College; the President of Bowdoin College; the President of Colby College; and not fewer than 8 nor more than 12 public trustees elected by the board in the manner prescribed in the corporation's bylaws. The president of the transferee corporation is a nonvoting member of the board. By January 1, 1999, 2 additional public trustees must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate. By January 1, 1999, the board shall amend the Maine Public Broadcasting Corporation bylaws to reflect the method of appointment of public trustees described in this paragraph.

See title page for effective date.

CHAPTER 600

H.P. 887 - L.D. 1204

An Act to Establish the Maine Disaster Relief Laws

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

Sec. 1. 5 MRSA §19-B is enacted to read:

§19-B. State employee participation in disaster relief

In order to participate in specialized disaster relief services for the American Red Cross, a state

employee who is a certified disaster service volunteer of the American Red Cross, upon the request of the American Red Cross and with the approval of the employee's appointing authority, may:

1. Paid leave. Be granted a leave not to exceed 15 days in each year without loss of pay, vacation time, sick leave or earned overtime accumulation;

2. Use of compensated time off. Be granted a leave using that employee's compensated time off, with the consent of the employee; or

3. Combination. Be granted a leave using a combination of paid leave and compensated time off authorized in subsections 1 and 2.

This section applies only to relief services related to a disaster declared by the governor of a state or territory or by the President of the United States.

Sec. 2. 30-A MRSA §2705 is enacted to read:

§2705. Municipal employee participation in disaster relief

In order to participate in specialized disaster relief services for the American Red Cross, a municipal employee who is a certified disaster service volunteer of the American Red Cross, upon the request of the American Red Cross and with the approval of the legislative body of the municipality or the municipal officers, may:

1. Paid leave. Be granted a leave not to exceed 15 days in each year without loss of pay, vacation time, sick leave or earned overtime accumulation;

2. Use of compensated time off. Be granted a leave using that employee's compensated time off, with the consent of the employee; or

3. Combination. Be granted a leave using a combination of paid leave and compensated time off authorized in subsections 1 and 2.

This section applies only to relief services related to a disaster declared by the governor of a state or territory or by the President of the United States.

Sec. 3. 39-A MRSA §102, sub-§11, ¶A, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended by amending subparagraphs (7) and (8) to read:

(7) An independent contractor; ~~or~~

(8) Except as otherwise provided in section 401, if a person employs an independent contractor, any employee of the independent contractor is not considered an employee of that person for the purposes of

this Act. The person who employs an independent contractor is not responsible for providing workers' compensation insurance covering the payment of compensation and benefits to the employees of the independent contractor. An insurance company may not charge a premium to any person for any employee excluded by this subparagraph; ~~or~~

Sec. 4. 39-A MRSA §102, sub-§11, ¶A, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended by adding a new subparagraph (9) to read:

(9) A state or municipal employee while the employee is on assignment as a certified disaster service volunteer for the American Red Cross pursuant to Title 5, section 19-B or Title 30-A, section 2705. Duties performed while on a volunteer disaster relief assignment for the American Red Cross may not be considered a work assignment by a state agency or municipality.

See title page for effective date.

CHAPTER 601

S.P. 730 - L.D. 2008

An Act to Clarify Mileage Reimbursement for Employees of Community Action Agencies

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

Sec. 1. 5 MRSA §1541, sub-§13, ¶A, as enacted by PL 1983, c. 209, is amended to read:

A. Notwithstanding any other provision of law, a state agency, as defined in section 8002, subsection 2, may not authorize reimbursement for travel by any person at a rate greater than the rate established in section 8 for state employees, except that a community action agency as defined in Title 22, section 5321 and the Maine State Housing Authority may reimburse at a greater rate if:

(1) The employee of the agency being reimbursed is not a state employee for the purpose of collective bargaining;

(2) The source of funds to pay for the reimbursement for travel is a nonstate source, including funds from a federal agency that