

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

**CHAPTER 359**

**H.P. 598 - L.D. 838**

**An Act to Provide Paralegal Assistants to the Workers' Compensation Advocate Program and an Auditor to the Monitoring, Auditing and Enforcement Program**

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

**Sec. 1. 39-A MRSA §154, sub-§6**, as amended by PL 1997, c. 486, §5, is further amended to read:

**6. Assessment levied.** The assessments levied under this section may not be designed to produce more than \$6,000,000 in revenues annually beginning in the 1995-96 fiscal year ~~or~~ more than \$6,600,000 annually beginning in the 1997-98 fiscal year or more than \$6,735,000 beginning in the 1999-00 fiscal year. Assessments collected that exceed \$6,000,000 beginning in the 1995-96 fiscal year ~~or~~ \$6,600,000 beginning in the 1997-98 fiscal year or \$6,735,000 beginning in the 1999-00 fiscal year by a margin of more than 10% must be refunded to those who paid the assessment. Any amount collected above the board's allocated budget and within the 10% margin must be used to create a reserve of up to 1/4 of the board's annual budget. Any collected amounts or savings above the allowed reserve must be used to reduce the assessment for the following fiscal year. The board shall determine the assessments prior to May 1st and shall assess each insurance company or association and self-insured employer its pro rata share for expenditures during the fiscal year beginning July 1st. Each self-insured employer shall pay the assessment on or before June 1st. Each insurance company or association shall pay the assessment in accordance with subsection 3.

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

	1999-00	2000-01
<b>WORKERS' COMPENSATION BOARD</b>		
<b>Administration - Workers' Compensation Board</b>		
Positions - Legislative Count	(3,000)	(3,000)
Personal Services	\$77,894	\$108,530
All Other	15,075	16,350
Provides funds for the salary, fringe benefits, general operating and		

initial start-up costs to establish one Auditor I position and 2 Paralegal Assistant positions.

<b>WORKERS' COMPENSATION BOARD</b>		
<b>TOTAL</b>	\$92,969	\$124,880

See title page for effective date.

**CHAPTER 360**

**H.P. 1229 - L.D. 1758**

**An Act to Amend the Victims' Compensation Fund Law**

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

**Sec. 1. 5 MRSA §3360, sub-§2**, as enacted by PL 1991, c. 806, §3, is repealed.

**Sec. 2. 5 MRSA §3360, sub-§4**, as enacted by PL 1991, c. 806, §3, is amended to read:

**4. Eligible expenses and losses.** "Eligible expenses and losses" means expenses and losses resulting from a personal injury sustained by an individual as a direct result of a crime specified in subsection 3 and may include medical and medically related expenses, ~~which may include~~ psychological or mental health counseling expenses, lost wages, and funeral and burial expenses. "Eligible expenses and losses" may include costs of eyeglasses, hearing aids, dentures or other prosthetic devices taken, lost, destroyed or damaged ~~as the direct a result of a the crime specified in subsection 3~~ and costs of crime scene cleanup. Expenses and losses claimed under this subsection must be expenses or losses actually and reasonably incurred.

**Sec. 3. 5 MRSA §3360, sub-§6** is enacted to read:

**6. Personal injury.** "Personal injury" means bodily injury as defined in Title 17-A, section 2, subsection 5 or psychological injury incurred by a victim who has sustained the threat of bodily injury.

**Sec. 4. 5 MRSA §3360-B, sub-§1**, as amended by PL 1997, c. 378, §5, is further amended to read:

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

A. Suffers ~~bodily~~ personal 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 or the threat of bodily injury occurred;

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~~ personal 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~~ personal injury as a direct result of a crime specified in section 3360, subsection 3, paragraph F committed outside of the United States.

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

A. Claims must be in writing ~~and under oath~~.

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

**2. Release of records.** ~~If required by the board, the claimant shall execute a release of medical and employment records and information enabling the board to obtain the records and information directly. A signed application for benefits under this chapter is effective under state law to authorize the release of health care, mental health, employment and wage information pertinent to the claim.~~ Additionally, the claimant shall provide the board with other information or the release of such other information as the board determines is reasonably necessary to decide the claim.

**Sec. 7. 5 MRSA §3360-E, first ¶**, as amended by PL 1997, c. 378, §9, is further amended to read:

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

**Sec. 8. 5 MRSA §3360-F, sub-§3**, as enacted by PL 1991, c. 806, §3, is amended to read:

**3. Determination of award.** The board shall determine by a preponderance of the evidence whether a specified crime occurred, whether the ~~bodily~~ personal injury or death was the result of that criminal conduct, the amount of eligible expenses and losses suffered by the claimant, whether to award compensation and the amount of the compensation. In determining the amount of compensation to be paid, the board shall consider the amount available to pay victim compensation claims, the history of claims paid by the board, the number and amount of currently pending claims and the nature and cost of expenses submitted by the claimant.

**Sec. 9. Application.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to all requests for compensation pending before the Victims' Compensation Board on the effective date of this Act.

**Sec. 10. Allocation.** The following funds are allocated from Other Special Revenue Funds to carry out the purposes of this Act.

	1999-00	2000-01
<b>ATTORNEY GENERAL, DEPARTMENT OF THE Victims' Compensation Fund</b>		
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$23,870	\$35,875
All Other	5,504	3,149
Provides funds for one Research Assistant position to handle the increased volume of cases from the expansion of the eligibility criteria.		
<b>DEPARTMENT OF THE ATTORNEY GENERAL TOTAL</b>	\$29,374	\$39,024

See title page for effective date.

**CHAPTER 361**

**H.P. 299 - L.D. 407**

**An Act to Reconcile Minor Technical Differences between Forest Practices Laws and Rules**

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