

MAINE STATE LEGISLATURE

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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

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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

Sec. 3. Report. The Commissioner of Corrections shall report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Criminal Justice by January 14, 2000 concerning the department's utilization of the authority granted in section 2.

See title page for effective date.

CHAPTER 460

H.P. 1118 - L.D. 1577

An Act to Amend the Liability Limit under the Maine Tort Claims Act

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

Sec. 1. 14 MRSA §8105, sub-§1, as amended by PL 1987, c. 740, §5, is further amended to read:

1. Limit established. In any claim or cause of action permitted by this chapter, the award of damages, including costs, against either a governmental entity or its employees, or both, shall ~~may~~ not exceed ~~\$300,000~~ \$400,000 for any and all claims arising out of a single occurrence.

See title page for effective date.

CHAPTER 461

S.P. 657 - L.D. 1879

An Act to Increase Access to Basic Needs for Low-income Maine Children and Families

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

Sec. 1. 22 MRSA §3769-C is enacted to read:
**§3769-C. Adjustment to amount of assistance;
report**

1. Amount of assistance. It is the goal of this section to provide low-income families with children sufficient income to meet their most basic needs. If the commissioner determines that unexpended funds are available within the Department of Human Services ASPIRE or TANF accounts, the commissioner may, by rule, use those funds to increase the maximum levels of assistance in the TANF Program.

2. Report required. If the department has not increased benefits to low-income families with

children by at least 5% pursuant to this section by January 1, 2001, the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by February 1, 2001, comparing the State's TANF benefits to those of the other New England states and to the nonfarm income official poverty line. This report must identify the amount of funding required to raise benefit levels over periods of 3 years and 5 years to the average of the maximum benefit amounts for a family of 3 in all of the other New England states. This report must be made by the last business day in January of each subsequent year following a year in which maximum assistance levels were not increased by at least 5%, as long as the State's maximum assistance levels remain lower than the average of the New England states.

See title page for effective date.

CHAPTER 462

S.P. 692 - L.D. 1938

An Act to Provide Equity for Veterans of the Vietnam War and the Persian Gulf Conflict

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 5 MRSA §7054, sub-§1, ¶D, as amended by PL 1995, c. 115, §1, is further amended to read:

D. "War, campaign or expedition" means any of the following periods:

- (1) April 6, 1917 to November 10, 1918;
- (2) December 7, 1941 to September 1, 1945;
- (3) June 27, 1950 to January 31, 1955;
- (4) February 28, 1961 to May 7, 1975 in the case of a veteran who served in the Republic of Vietnam during that period or

August 5, 1964 to May 7, 1975 in all other cases; and

(5) August 7, 1990 to ~~August 7, 1994~~ the date that the United States Government recognizes as the end of the Persian Gulf War.

Sec. 2. 36 MRSA §653, sub-§1, ¶C, as amended by PL 1995, c. 368, Pt. CCC, §1 and affected by §11, is further amended to read:

C. The estates up to the just value of \$5,000, having a taxable situs in the place of residence, of veterans who served in the Armed Forces of the United States:

(1) During any federally recognized war period, including the Korean Campaign, the Vietnam War and the Persian Gulf War, when they have reached the age of 62 years or when they are receiving any form of pension or compensation from the United States Government for total disability, service-connected or nonservice-connected, as a veteran. A veteran of the Vietnam War must have served on active duty for a period of more than 180 days, any part of which occurred after February 27, 1961 and before May 8, 1975 in the case of a veteran who served in the Republic of Vietnam and after August 4, 1964 and before May 7, 1975 in all other cases, unless the veteran died in service or was discharged for a service-connected disability after that date. "Vietnam War" means the period between August 5, 1964 and May 7, 1975 and the period beginning on February 28, 1961 and ending on May 7, 1975 in the case of a veteran who served in the Republic of Vietnam during that period. "Persian Gulf War" means service on active duty ~~between on or after August 7, 1990 and April 11, 1994~~ before or on the date that the United States Government recognizes as the end of that war period; or

(2) Who are disabled by injury or disease incurred or aggravated during active military service in the line of duty and are receiving any form of pension or compensation from the United States Government for total, service-connected disability.

The exemptions provided in this paragraph apply to the property of that veteran, including property held in joint tenancy with that veteran's spouse or held in a revocable living trust for the benefit of that veteran.

Sec. 3. 36 MRSA §653, sub-§1, ¶D-1, as amended by PL 1995, c. 368, Pt. CCC, §3 and affected by §11, is further amended to read:

D-1. The estates up to the just value of \$47,500, having a taxable situs in the place of residence, for specially adapted housing units, of veterans who served in the Armed Forces of the United States during any federally recognized war period, including the Korean Campaign, the Vietnam War and the Persian Gulf War, and who are paraplegic veterans within the meaning of the Code, Title 38, Chapter 21, Section 2101, and who received a grant from the United States Government for any such housing, or of the unmarried widows of such veterans. A veteran of the Vietnam War must have served on active duty for a period of more than 180 days, any part of which occurred after February 27, 1961 and before May 8, 1975 in the case of a veteran who served in the Republic of Vietnam during that period and after August 4, 1964 and before May 7, 1975 in all other cases, unless the veteran died in service or was discharged for a service-connected disability after that date. "Vietnam War" means the period between August 5, 1964 and May 7, 1975 and the period beginning on February 28, 1961 and ending on May 7, 1975 in the case of a veteran who served in the Republic of Vietnam during that period. "Persian Gulf War" means service on active duty ~~between on or after August 7, 1990 and April 11, 1994~~ before or on the date that the United States Government recognizes as the end of that war period. The exemption provided in this paragraph applies to the property of the veteran including property held in joint tenancy with a spouse or held in a revocable living trust for the benefit of that veteran.

Sec. 4. 37-B MRSA §504, sub-§4, ¶A-1, as repealed and replaced by PL 1993, c. 680, Pt. A, §33, is amended to read:

A-1. As used in this subsection, unless the context indicates otherwise, the following terms have the following meanings.

(1) "Eligible dependent" means the wife, husband, surviving spouse, unmarried minor child, unmarried dependent child enrolled in secondary school or unmarried adult child who became incapable of self-support before reaching 18 years of age on account of mental or physical defects.

(2) "Eligible veteran" means any person who:

(a) Served on active duty in the United States Armed Forces during

any federally recognized period of conflict, served on active duty in the United States Armed Forces at any time during the period December 22, 1961 to August 5, 1964 or was eligible for an Armed Forces Expeditionary Medal or campaign medal, and who:

(i) If discharged, received an honorable discharge or a general discharge under honorable conditions, provided that the discharge was not upgraded through a program of general amnesty; and

(ii) Was a resident of the State at the time of entering military service, death or the death of an eligible dependent;

(b) Served in the Maine National Guard and died as a result of injury, disease or illness sustained while serving on state active duty as provided in chapter 3, subchapter III; or

(c) Served in the Armed Forces in the United States at any time and was killed or died as a result of hostile action and was a resident of the State at the time of entering military service, at the time of death or at the time of the death of an eligible dependent.

(3) "Federally recognized period of conflict" means World War I, April 6, 1917 to November 11, 1918, or March 31, 1920 if service was in Russia; World War II, December 7, 1941 to December 31, 1946; Korean Conflict, June 27, 1950 to January 31, 1955; the Vietnam War, August 5, 1964 to May 7, 1975 and the period beginning on February 28, 1961 and ending on May 7, 1975 in the case of a veteran who served in the Republic of Vietnam during that period; and the Persian Gulf War, August 7, 1990 to ~~April 11, 1994~~ the date that the United States Government recognizes as the end of the Persian Gulf War.

See title page for effective date.

CHAPTER 463

H.P. 984 - L.D. 1382

An Act to Require That Both the Northern Maine Regional Juvenile Detention Facility and the Maine Youth Center Receive Detainees

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

Sec. 1. 34-A MRSA §3802, sub-§1, ¶C, as amended by PL 1997, c. 752, §37, is further amended to read:

C. To rehabilitate juveniles committed to a juvenile correctional facility pursuant to Title 15, section 3314, subsection 1, paragraph F; ~~and~~

Sec. 2. 34-A MRSA §3802, sub-§1, ¶D, as enacted by PL 1995, c. 502, Pt. F, §28, is amended to read:

D. To protect the public from dangerous juveniles; and

Sec. 3. 34-A MRSA §3802, sub-§1, ¶E is enacted to read:

E. To confine juveniles ordered detained pursuant to Title 15, section 3314, subsection 1, paragraph H.

See title page for effective date.

CHAPTER 464

H.P. 1372 - L.D. 1970

An Act to Address the Solvency of the Unemployment Compensation Fund

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

Sec. 1. 26 MRSA §1043, sub-§19, ¶A, as amended by PL 1983, c. 13, §2, is further amended to read:

A. For purposes of section 1221, the term "wages" ~~shall~~ does not include ~~that part of remuneration which after remuneration equal to \$3,000 through December 31, 1971, \$4,200 through December 31, 1977, \$6,000 through December 31, 1982, and on and after January 1, 1983, that part of remuneration equal to that exceeds the first \$7,000 has been through December 31, 1999, and on and after January 1, 2000.~~