

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

Sec. 1. 30-A MRSA §2253, sub-§1-A is enacted to read:

1-A. Self-funded pool for medical expenses incurred by county jails. A public self-funded pool formed by 5 or more counties or by an organization representing 5 or more counties may provide risk management and coverage for pool members for medical expenses incurred by county jails for prisoners. A self-funded pool established pursuant to this subsection may collect a premium from pool members to cover 80% of medical expenses totaling \$10,000 or more incurred for any one prisoner.

See title page for effective date.

CHAPTER 98

H.P. 1036 - L.D. 1393

An Act to Enhance the Professional Skills of Maine's Educational Technicians

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

Sec. 1. 20-A MRSA §13023, sub-§2, as enacted by PL 1997, c. 553, §4, is amended to read:

2. Qualifications. The commissioner shall adopt rules to define the function, preparation and supervision for the different levels of educational technician authorization. The rules must recognize applicable work experience credits earned by educational technicians through completion of work apprenticeship programs offered by the Department of Labor. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 99

S.P. 158 - L.D. 502

An Act to Limit Nuisance Claims Against Commercial Fishing Operations and Activities

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

Sec. 1. 17 MRSA §2807 is enacted to read:

§2807. Commercial fishing activities and commercial fishing operations

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commercial fishing activity" means an activity directly related to commercial fishing or a commercial activity commonly associated with or supportive of commercial fishing, such as the manufacture or sale of ice, bait, traps or nets or the manufacture, installation or repair of boats, engines or other equipment commonly used on boats or in facilities that involve the catching, transporting, buying, selling or processing of seafood for commercial purposes.

B. "Commercial fishing operation" means a condition or activity that occurs in connection with the commercial harvesting, purchasing, selling or processing of seafood and includes noise, odors, operation of a vessel, operation of harvesting or processing equipment and transfer or storage of bait.

2. Private nuisance actions limited. A private nuisance action may not be maintained against a person engaged in a commercial fishing activity or commercial fishing operation so long as the activity or operation is undertaken in compliance with applicable licensing and permitting requirements and other applicable statutes, rules and ordinances.

3. Finfish aquaculture exemption. For purposes of this section, activities and conditions associated with licensed finfish aquaculture are not commercial fishing activities or commercial fishing operations.

See title page for effective date.

CHAPTER 100

S.P. 277 - L.D. 988

An Act Relating to the Celebration of Veterans' Week

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

Sec. 1. 1 MRSA §139 is enacted to read:

§139. Veterans' Week

Each political subdivision and school administrative unit is encouraged to celebrate Veterans' Week during the week, commencing on a Sunday and ending on the next following Saturday, within which Novem-

ber 11th, Veterans' Day, occurs. The celebration may include recognition of the contribution of veterans of the United States and the military service to the foundation of freedom. The celebration may also include public proclamations, appropriate parades and ceremonies and the introduction of curricula in school systems recognizing the efforts of veterans and their contribution to our way of life. During this week, schools may provide an opportunity for convocations and assemblies and in such instances shall make efforts to invite veterans and others to speak on the subject and to cooperate with local veterans' organizations and groups in the celebration of Veterans' Week.

See title page for effective date.

CHAPTER 101

H.P. 997 - L.D. 1334

An Act to Modify Municipal Shellfish Ordinances

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

Sec. 1. 12 MRSA §6671, sub-§5, as amended by PL 1979, c. 608, §3, is further amended to read:

5. Period of ordinance. Ordinances or amendments to an ordinance adopted under this section shall remain in effect for no more than 3 years until repealed by the municipality or rescinded by the commissioner. A certified copy of the ordinance shall or amendment to the ordinance must be filed with the commissioner within 20 days of its adoption. If a copy of the ordinance or an amendment to the ordinance is not filed within 20 days, the ordinance reverts to the ordinance previously in effect until the new ordinance or amendment is filed.

See title page for effective date.

CHAPTER 102

H.P. 243 - L.D. 279

An Act to Amend the Time the Registrar is Required to be at a Municipal Caucus

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

Sec. 1. 21-A MRSA §158, as amended by PL 1997, c. 436, §38, is further amended to read:

§158. Municipal caucus

The registrar shall attend the official party caucuses for at least ~~one hour~~ 30 minutes preceding the commencement of the party caucus at the location where the party caucus is being held to accept registrations and enrollments and all persons so registered and enrolled may participate in their party caucus.

See title page for effective date.

CHAPTER 103

H.P. 413 - L.D. 534

An Act to Prohibit the Delay in Provisional Payment of Certain Disability Benefits

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

Sec. 1. 39-A MRSA §222, sub-§1, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is repealed and the following enacted in its place:

1. No delay of benefits. Payment of benefits due a person under an insured disability plan or insured medical payments plan may not be delayed or refused because that person has filed a workers' compensation claim based on the same personal injury or disease.

Sec. 2. 39-A MRSA §222, sub-§2, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

2. Repayment. If an employee a person has received benefits, as described in subsection 1, because of a personal injury or disease and has later prevailed on a workers' compensation claim based on the same personal injury or disease, the value of all such benefits may be offset by the employer or respective insurance carriers against the payments of workers' compensation benefits, and, if the benefits are not offset, the employee person shall repay to the employer or insurer, within 30 days of receiving the initial payment of workers' compensation benefits, the value of all the benefits received under subsection 1.

See title page for effective date.

CHAPTER 104

H.P. 331 - L.D. 421

An Act to Require the Department of Audit to Conduct Random Audits of State Programs