

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
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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or amendments to an ordinance adopted under this section shall remain in effect for no more than 3 years until repealed by the municipality or rescinded by the commissioner.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

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

Sec. 1. 5 MRSA §243-A is enacted to read:

§243-A. Random auditing of state programs

In addition to the powers and duties specified in section 243, the Department of Audit shall conduct random audits of state programs to sample the accuracy of the financial records of those departments and agencies that administer or oversee the programs and report to the joint standing committees of the Legislature having jurisdiction over state and local government matters and appropriations and financial affairs no later than January 15, 2002 and no later than January 15th of each year thereafter on the random auditing of state programs. The report must include at a minimum the number of random audits conducted, the programs audited and an assessment of findings and recommendations resulting from the additional audits.

See title page for effective date.

CHAPTER 105

H.P. 239 - L.D. 276

**An Act to Amend the Laws
Governing Building Permits in the
Unorganized Territories**

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

Sec. 1. 12 MRSA §685-A, sub-§10, as repealed and replaced by PL 1973, c. 788, §43-C, is repealed and the following enacted in its place:

10. Special exceptions and variances. The commission may approve the issuance of a special exception permit in strict compliance with this chapter and the rules and standards adopted pursuant to this chapter. The commission may grant a variance when the commission finds that the proposed development is in keeping with the general spirit and intent of this chapter, that the public interest is otherwise protected and that strict compliance with the rules and standards adopted by this commission would cause unusual hardship or extraordinary difficulties because of the following:

A. Exceptional or unique conditions of topography, access, location, shape, size or other physical features of the site;

B. The access and use needs of a person with a physical disability as defined in Title 5, section

4553, subsection 7-B who resides in or regularly uses a structure; or

C. Unusual circumstances that were not anticipated by the commission at the time the rules and standards were adopted.

See title page for effective date.

CHAPTER 106

S.P. 17 - L.D. 33

**An Act to Lower In-state Phone
Costs for Rural Maine**

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

Sec. 1. 35-A MRSA §7303-A is enacted to read:

§7303-A. Basic service calling areas

1. Petition. Upon written petition of 50 or more customers of a local exchange carrier who receive local, flat-rate, basic service within no more than a single exchange area, the commission shall open a proceeding to investigate expanding that basic service calling area. The commission shall hold at least one public hearing. The commission, within 6 months of the filing of the written petition, shall issue an order that must either expand the basic service calling area or state the commission's reasons for refusing to expand the basic service calling area. If the commission expands the basic service calling area pursuant to this subsection, the commission may allow a carrier affected by the expansion to recover, to the extent reasonable, its costs, including lost revenues, attributable to the expansion.

2. Rules; limitation on petitions. No later than 30 days after the effective date of this subsection, the commission shall by rule establish standards for expanding single-exchange basic service calling areas pursuant to this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. A petition may not be filed with or accepted by the commission pursuant to subsection 1 prior to 30 days after the effective date of this subsection.

See title page for effective date.