

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
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

before June 1st. Each insurance company or association shall pay the assessment in accordance with subsection 3.

Sec. 2. Authorization to use reserve funds. The Workers' Compensation Board is authorized to spend up to \$40,000 from the reserve account created pursuant to the Maine Revised Statutes, Title 39-A, section 154, subsection 6. The funds must be used to improve technology used in the audit, enforcement and monitoring program created pursuant to Title 39-A, section 153, subsection 9 and section 359. This is a one-time authorization and does not apply to any ongoing use of the reserve account for technology.

Sec. 3. Board to submit plan. The Workers' Compensation Board shall submit to the Joint Standing Committee on Labor before January 1, 2002 a written plan to improve implementation of the Maine Revised Statutes, Title 39-A, section 359, including the auditing of claims to identify and penalize questionable claims-handling practices and repeated unreasonable contesting of claims by insurers, self-insurers and 3rd-party administrators.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2001-02

WORKERS' COMPENSATION BOARD

Administration - Workers' Compensation Board

All Other \$340,000

Allocates funds to allow the board to contract for temporary worker advocate and clerical support services for the worker advocate activity in the regional offices. Also allocates funds from the reserve account to improve technology used in the audit, enforcement and monitoring program.

See title page for effective date.

CHAPTER 394

S.P. 48 - L.D. 216

An Act to Offer Greater Financial Incentives Promoting Quality Child Care

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

Sec. 1. 22 MRSA §3737, sub-§3, as enacted by PL 1993, c. 158, §2, is amended to read:

3. Quality differential. To the extent permitted by federal law, the department ~~may~~ shall pay a differential rate for child care services that meet or that make substantial progress toward meeting nationally recognized quality standards, such as those standards required by the Head Start program or required for accreditation by the National Association for the Education of Young Children, and shall do so from the ~~Child Care and Development Block Grant Development Fund~~ 25% Quality Set-aside funds or by other acceptable federal practices. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter II-A. The rules must limit payment of the differential for substantial progress to a period of one year. The rules must provide differential rates for substantial progress and must define substantial progress as:

A. Having submitted program descriptions and awaiting a scheduled visit from an accrediting body approved by the department; or

B. For family child care, having submitted a portfolio for a child development associate and awaiting a scheduled observation.

Sec. 2. Allocation. The following funds are allocated from the Federal Block Grant Fund to carry out the purposes of this Act.

2001-02 2002-03

HUMAN SERVICES, DEPARTMENT OF

Child Care Services

All Other \$95,397 \$190,794

Provides funds from the Child Care and Development Fund to allow for a differential rate of compensation for child care services for those

providers that make substantial progress towards meeting nationally recognized quality standards.

See title page for effective date.

CHAPTER 395

H.P. 42 - L.D. 51

An Act to Increase the Penalty for Furnishing Liquor to a Minor if Injury or Death Results

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

Sec. 1. 28-A MRSA §2081, sub-§3, as amended by PL 1993, c. 266, §31, is further amended to read:

3. Penalties. Any Except as provided in subsection 5, any person who violates subsection 1, paragraph A or B commits a Class D crime. Any person who violates subsection 1, paragraph C or D commits a Class E crime, for which a forfeiture of not more than \$500 may be adjudged. In the case of a person who has one previous conviction of a violation of subsection 1, paragraph A or B within a 6-year period, the fine may not be less than \$500, which penalty may not be suspended. In the case of a person who has 2 or more previous convictions of a violation of subsection 1, paragraph A or B within a 6-year period, the fine may not be less than \$1,000. In the case of a person who has no previous conviction of subsection 1, paragraph A or B within a 6-year period, the fine may not be less than \$500, which penalty may not be suspended if that person is convicted of a violation of subsection 1, paragraph A or B involving a minor less than 14 years old.

Sec. 2. 28-A MRSA §2081, sub-§5 is enacted to read:

5. Aggravated offense. A person who violates subsection 1, paragraph A or B commits a Class C crime if the consumption of the liquor by the minor in fact causes serious bodily injury to or death of any individual, including the minor. For purposes of this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, section 2, subsection 23.

See title page for effective date.

CHAPTER 396

H.P. 1190 - L.D. 1613

An Act Concerning Technical Changes to the Tax Laws

Emergency preamble. **Whereas**, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a delay in making technical changes to the tax laws would interfere with administration of those laws; and

Whereas, legislative action is immediately necessary in order to ensure continued and efficient administration of the tax laws; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 36 MRSA §111, sub-§2, as amended by PL 1999, c. 708, §4, is further amended to read:

2. Notice. "Notice" means notification served personally or mailed by certified or registered mail or by any courier service providing evidence of delivery to the last known address of the person for whom the notification is intended.

If the State Tax Assessor attempts to give notice by certified or registered mail or by courier and the mailing is returned ~~by the United States Postal Service~~ with the notation "unclaimed" or "refused" or a similar notation, the assessor may then give notice, for purposes of this Title, by sending the notification by first-class mail to the person for whom the notification is intended at the address used on the returned certified or registered mail. Notice given in this manner is deemed to be received 3 days after the first-class mailing, excluding Sundays and legal holidays.

In the case of a joint income tax return, notice may be a single joint notice except that, if the assessor is notified by either spouse that separate residences have been established, the assessor shall mail a joint notice to each spouse.

If the person for whom notification is intended is deceased or under a legal disability, notice may be mailed to that person's last known address, unless the assessor has received notice of the existence of a fiduciary relationship with respect to that person, in