

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

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

**Sec. 1. 24-A MRSA §2916-A, sub-§2,** as amended by PL 1999, c. 617, §2, is further amended to read:

**2. Accidents.** When a named insured or any other person who operates a motor vehicle insured under the policy is individually or are aggregately involved in 2 or more vehicle accidents while operating a motor vehicle insured under the policy or under another policy issued by the same insurer for a motor vehicle in the same household, resulting in either personal injury or property damage in excess of the amount defined as a reportable accident under Title 29-A, section 2251, subsection 1. For the purpose of this subsection any of the following occurrences involving a motor vehicle operated by a named insured or such other person is not considered an accident when:

- A. The motor vehicle was struck from the rear;
- B. The motor vehicle was struck while parked;
- C. Only the operator of another motor vehicle involved in the accident was convicted of a crime, offense or violation contributing to the accident; or
- D. The named insured or other operator of the motor vehicle insured under the policy or the insurer of the policy, was reimbursed by or on behalf of, a person responsible for the accident or has a judgment against that person.

When more than one motor vehicle in a household is insured by the same insurer, the aggregate number of accidents that would permit nonrenewal of the policy or policies insuring those vehicles must, ~~for the aggregate,~~ be increased by one for each additional motor vehicle insured.

See title page for effective date.

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**CHAPTER 27**

**H.P. 91 - L.D. 82**

**An Act Regarding Fish Stocking Decisions**

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

**Sec. 1. 12 MRSA §7013-A,** as enacted by PL 1999, c. 416, §1, is repealed.

See title page for effective date.

**CHAPTER 28**

**H.P. 92 - L.D. 83**

**An Act To Expand Unemployment Benefits**

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

**Whereas,** voluntary layoffs may ensure continued employment for others; and

**Whereas,** the present economy should allow for voluntary layoffs to occur immediately; 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. 26 MRSA §1193, sub-§1, ¶A,** as repealed and replaced by PL 1991, c. 560, §2, is amended to read:

A. For the week in which the claimant left regular employment voluntarily without good cause attributable to that employment. The disqualification continues until the claimant has earned 4 times the claimant's weekly benefit amount in employment by an employer. A claimant may not be disqualified under this paragraph if:

- (1) The leaving was caused by the illness or disability of the claimant or an immediate family member and the claimant took all reasonable precautions to protect the claimant's employment status by promptly notifying the employer of the reasons for the absence and by promptly requesting reemployment when again able to resume employment;
- (2) The leaving was necessary to accompany, follow or join the claimant's spouse in a new place of residence and the claimant can clearly show within 14 days of arrival at the new place of residence an attachment to the new labor market, and the claimant is in all respects able, available and actively seeking suitable work;
- (3) The leaving was in good faith in order to accept new employment on a permanent

full-time basis and the new employment did not materialize for reasons attributable to the new employing unit; or

(4) The leaving was necessary to protect the claimant from domestic abuse and the claimant made all reasonable efforts to preserve the employment; or

(5) The claimant's employer announced in writing to employees that it planned to reduce the work force through a layoff or reduction in force and that employees may offer to be among those included in the layoff or reduction in force, at which time the claimant offered to be one of the employees included in the layoff or reduction in force and the claimant's employer accepted the claimant's offer, thereby ending the employment relationship.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 8, 2003.

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**CHAPTER 29**

**H.P. 269 - L.D. 340**

**An Act To Amend Certain Aspects of Post-conviction Review Procedure**

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

**Sec. 1. 15 MRSA §2121, sub-§1-A**, as enacted by PL 1985, c. 209, §1, is amended to read:

**1-A. Assigned justice.** "Assigned justice" means the Justice or Active Retired Justice of the Supreme Judicial Court ~~or~~ the Justice or Active Retired Justice of the Superior Court or the judge authorized to sit in the Superior Court on post-conviction review cases who is assigned the post-conviction review proceeding when a special assignment has been made. It means any Justice or Active Retired Justice justice, active retired justice or authorized judge attending to the regular criminal calendar when the post-conviction review proceeding is assigned to the regular criminal calendar.

**Sec. 2. 15 MRSA §2123, sub-§1-A**, as enacted by PL 1985, c. 209, §2, is amended to read:

**1-A. Supreme Court Justice or authorized Judge of the District Court.** A single Justice of the Supreme Judicial Court ~~or~~ an Active Retired Justice of the Supreme Judicial Court ~~shall have~~ or a judge

authorized to sit in the Superior Court on post-conviction review cases has and shall exercise jurisdiction; and have has and shall exercise all of the powers, duties and authority necessary for exercising the same jurisdiction as the Superior Court relative to a post-conviction review proceeding.

**Sec. 3. 15 MRSA §2129, sub-§1, ¶C**, as amended by PL 1985, c. 556, §3, is further amended to read:

C. Once the petition has been filed, the clerk shall forward a copy of the petition and any separate documents filed with it to the Chief Justice of the Superior Court and to the ~~Attorney General~~ prosecutorial office that earlier represented the State in the underlying criminal or juvenile proceeding.

**Sec. 4. 15 MRSA §2129, sub-§2**, as repealed and replaced by PL 1985, c. 209, §4, is repealed.

**Sec. 5. 15 MRSA §2129, sub-§5**, as repealed and replaced by PL 1981, c. 238, §5, is amended to read:

**5. Procedure in proceedings pursuant to this chapter.** In all respects not covered by statute, the procedure in proceedings under this chapter ~~shall be~~ is as the Supreme Judicial Court shall by rule provide provides by rule.

See title page for effective date.

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**CHAPTER 30**

**H.P. 143 - L.D. 184**

**An Act to Clarify the Ability of the Maine Forest Service and Tax Assessors to View Private Landowners' Forest Management Plans**

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

**Sec. 1. 36 MRSA §579, 4th ¶**, as amended by PL 2001, c. 603, §6, is further amended to read:

The assessor or the assessor's duly authorized representative may enter and examine the forest lands under this subchapter and may examine any information submitted by the owner or owners. A copy of the forest management and harvest plan required under section 574-B must be available to the assessor to review upon request and to the Director of the Bureau of Forestry within the Department of Conservation or the director's designee to review upon request when the assessor seeks assistance in accordance with