

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.

Penmor Lithographers
Lewiston, Maine
2003

mentation held by the lienholder and the certificate of title or certificate of salvage numbers.

See title page for effective date.

CHAPTER 241

H.P. 324 - L.D. 416

An Act To Amend the County Contingent Fund

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

Sec. 1. 30-A MRSA §922, sub-§2, as amended by PL 1993, c. 343, §1, is further amended to read:

2. Contingent fund. There is established a contingent account in each county in an amount not to exceed ~~\$50,000 annually~~ the greater of 1.5% of the annual county budget or \$100,000, except in Sagadahoc County, where the contingent account may not exceed 4% of the annual budget. ~~Notwithstanding the preceding sentence, a county, by unanimous action of the county commissioners, may increase the contingent account limit to an amount not exceeding \$100,000.~~ Any funds that are available to each county may be used for this purpose. ~~This~~ The contingent fund may be used at the discretion of the county commissioners for emergency purposes only, ~~except that if a county increases the contingent account limit, expenditures from the account above \$50,000 must be approved by a majority of the county budget or finance committee if the county's budget is not finally approved by the Legislature.~~ At the end of each fiscal year there must be transferred from unencumbered county funds an amount sufficient to restore the established county contingent account.

See title page for effective date.

CHAPTER 242

H.P. 343 - L.D. 451

An Act To Clarify Tax Appeal Procedures

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

Sec. 1. 36 MRSA §151, 3rd ¶, as amended by PL 2001, c. 583, §1, is further amended to read:

The assessor's decision on reconsideration must be mailed to the taxpayer or the taxpayer's designated representative by certified or registered mail and the

decision must set forth briefly the assessor's findings of fact and the basis of decision in each case decided in whole or in part adversely to the taxpayer. The assessor's decision on reconsideration constitutes final agency action that is subject to review by the Superior Court in accordance with the Maine Administrative Procedure Act, except that Title 5, sections 11006 and 11007 do not apply. The Superior Court shall conduct a de novo hearing and make a de novo determination of the merits of the case. Either the taxpayer or the assessor may raise on appeal in Superior Court any facts, arguments or issues that relate to the assessor's decision on reconsideration, regardless of whether the facts, arguments or issues were raised during the reconsideration proceeding being appealed, provided that the facts, arguments or issues are not barred by any other provision of law. ~~¶~~ The court shall make its own determination as to all questions of fact or law, regardless of whether the questions of fact or law were raised during the reconsideration proceeding. The Superior Court shall enter such orders and decrees as the case may require. The burden of proof is on the taxpayer.

See title page for effective date.

CHAPTER 243

H.P. 1103 - L.D. 1510

An Act To Improve Access to the Victims' Compensation Fund

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

Sec. 1. 5 MRSA §3360, sub-§3, as amended by PL 1997, c. 378, §§1 to 3, is further amended to read:

3. Crime. "Crime" means one of the following:

- A. Offenses against the person as described in Title 17-A, chapter 9;
- B. Sexual assaults as described in Title 17-A, chapter 11;
- C. Kidnapping and criminal restraint as described in Title 17-A, chapter 13;
- D. Robbery as described in Title 17-A, chapter 27;
- E. Operating under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as described in Title 29-A, section 2411; ~~or~~

F. An act of terrorism, as defined in United States Code, Title 18, Section 2331, committed outside of the United States against a resident of this State; or

G. Leaving the scene of a motor vehicle accident involving personal injury or death, in violation of Title 29-A, section 2252.

Sec. 2. 5 MRSA §3360, sub-§4, as amended by PL 1999, c. 360, §2 and affected by §9, is further amended to read:

4. Eligible expenses and losses. "Eligible expenses and losses" means expenses and losses resulting from a personal injury sustained by an individual as a direct result of a crime specified in subsection 3 and may include medical and medically related expenses, psychological or mental health counseling expenses, lost wages and funeral and burial expenses. "Eligible expenses and losses" may include costs of eyeglasses, hearing aids, dentures or other prosthetic devices taken, lost, destroyed or damaged as a result of the crime, costs to repair or replace locks or security devices and costs of crime scene cleanup. Expenses and losses claimed under this subsection must be expenses or losses actually and reasonably incurred.

Sec. 3. 5 MRSA §3360, sub-§5, as enacted by PL 1997, c. 378, §4, is amended to read:

5. Family or household member. "Family or household member" means: the parent, stepparent, sibling, grandparent, spouse, child or stepchild of a victim; or a person who bears an equally significant relationship to the victim; or a person who at the time or discovery of the crime was living in the household of the victim or who previously had lived in the household of the victim for a period of not less than 2 years.

Sec. 4. 5 MRSA §3360-C, sub-§1, ¶B, as enacted by PL 1991, c. 806, §3, is amended to read:

B. The claim was filed with the board within ~~one year~~ 3 years of the occurrence of the injury or compensable loss, or within 60 days of the discovery of injury or compensable loss, whichever is later.

Sec. 5. 5 MRSA §3360-D, sub-§2, as amended by PL 1999, c. 360, §6 and affected by §9, is further amended by adding at the end a new paragraph to read:

Upon request of the board pursuant to the claimant's application for compensation, health care providers and health plans, insurers or other persons who pay or discharge the costs of health care must submit directly to the board any information that is required to support

a claimant's application or that is necessary to process a claim for payment.

Sec. 6. 17-A MRSA §1330-B is enacted to read:

§1330-B. Restitution for benefit of victim

When compensation is awarded from the Victims' Compensation Fund pursuant to Title 5, chapter 316-A, the amount of any restitution ordered to be paid to or for the benefit of the victim and collected as part of a sentence imposed must be paid by the agency collecting the restitution in an amount not to exceed the amount of the payments from the fund, directly to the fund if, when added to the payments from the fund, the restitution exceeds the victim's actual loss.

See title page for effective date.

CHAPTER 244

S.P. 519 - L.D. 1544

An Act To Revise the Standards for Reporting Public Sector Workplace Deaths and Serious Injuries

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

Sec. 1. 26 MRSA §2, as corrected by RR 1995, c. 2, §57, is repealed and the following enacted in its place:

§2. Reports of deaths and injuries

1. Reports of deaths. The person in charge of any workplace as defined in section 1 provided by the State, a state agency, a county, a municipal corporation, a school district or other public corporation or political subdivision shall, within 8 hours after the occurrence, report in writing or by telephone to the Director of the Bureau of Labor Standards the death of any person in the workplace or on the premises, stating as fully as possible the cause of the death and the place where the deceased person has been sent and supplying other information relative to the death that may be required by the director who may investigate the causes of the death and require such precautions to be taken as will prevent the recurrence of similar events. A statement contained in any such report is not admissible in evidence in any action arising out of the death reported.

2. Reports of serious physical injuries. The person in charge of any workplace as defined in section 1 provided by the State, a state agency, a county, a municipal corporation, a school district or other public corporation or political subdivision shall,