

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

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,

within 24 hours after the occurrence, report in writing or by telephone to the Director of the Bureau of Labor Standards all serious physical injuries requiring immediate hospitalization sustained by any person in the workplace or on the premises, stating as fully as possible the extent and cause of the injury and the place where the injured person has been sent and supplying other information relative to the injury that may be required by the director who may investigate the causes of the injury 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 accident reported.

3. Serious physical injuries defined. "Serious physical injuries," as used in this section, means an incident that results in an amputation, loss or fracture of any body part or that necessitates immediate hospitalization.

See title page for effective date.

CHAPTER 245

H.P. 1133 - L.D. 1547

An Act To Amend Certain Laws Administered by the Department of Environmental Protection

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

Sec. 1. 12 MRSA §9325, sub-§1, ¶E, as amended by PL 2001, c. 626, §6, is further amended to read:

E. Out-of-door burning of wood wastes as defined in section 9324, subsection 7-A and painted and unpainted wood from construction and demolition debris in the open or in an incinerator with a primary chamber volume no greater than 133 cubic feet or 1,000 gallons that is not licensed by the Department of Environmental Protection;

Sec. 2. 38 MRSA §341-G, first ¶, as amended by PL 1997, c. 364, §18, is further amended to read:

There is established the Board of Environmental Protection Fund to be used by the board as a nonlapsing fund to carry out its duties under this Title. Notwithstanding any other provision of law, the funds identified in subsection 1 ~~shall~~ transfer annually to the Board of Environmental Protection Fund in an amount not to exceed ~~\$250,000~~ \$325,000. Money in the Board of Environmental Protection Fund may only be

expended in accordance with allocations approved by the Legislature.

Sec. 3. 38 MRSA §342, sub-§7, as amended by PL 1999, c. 127, Pt. A, §53, is further amended to read:

7. Representation in court. The commissioner may authorize licensed Maine attorneys with active bar status who are employees of the department and certified employees of the department to serve civil process and represent the department in District Court in the prosecution of violations of those laws enforced by the department and set forth in Title 4, section 152, subsection 6-A. Licensed Maine attorneys do not need to file the certification referred to in the Maine Rules of Civil Procedure, Rule 80K(h). Certification of ~~these nonattorney~~ employees must be provided as under Title 30-A, section 4453.

Sec. 4. 38 MRSA §342, sub-§14, as enacted by PL 1991, c. 804, Pt. A, §2, is repealed.

Sec. 5. 38 MRSA §347-A, sub-§1, ¶A, as repealed and replaced by PL 1993, c. 204, §1, is amended to read:

A. Whenever it appears to the commissioner, after investigation, that there is or has been a violation of this Title, of rules adopted under this Title or of the terms or conditions of a license, permit or order issued by the board or the commissioner, the commissioner may initiate an enforcement action by taking one or more of the following steps:

- (1) Resolving the violation through an administrative consent agreement pursuant to subsection 4, signed by the violator and approved by the board and the Attorney General;
- (2) Referring the violation to the Attorney General for civil or criminal prosecution;
- (3) Scheduling and holding an enforcement hearing on the alleged violation pursuant to subsection 2; or
- (4) With the prior approval of the Attorney General, initiating commencing a civil action pursuant to section 342, subsection 7 and the Maine Rules of Civil Procedure, Rule 3.

Sec. 6. 38 MRSA §349, sub-§9, as repealed and replaced by PL 1997, c. 794, Pt. A, §9, is amended to read: