

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

improving administration of the programs. The time spent by a volunteer in a peer support and advocacy group in activities pursuant to the project may count either toward fulfilling the participation requirements for the ASPIRE-TANF program under section 3788, subsections 10 and 11 or toward fulfilling the program requirements for the Parents as Scholars Program under section 3790, subsection 3, whichever applies to the volunteer.

3. Project specifications. The project must meet the following specifications:

A. The department shall provide notice to ASPIRE-TANF program and Parents as Scholars Program participants in the 4 offices selected for the project pursuant to subsection 2 that peer support, information and advocacy services are available to them and ensure that the project is designed to provide, to the maximum extent feasible, access to those services;

B. Volunteers in a peer support and advocacy group must receive adequate training from the department to provide the services available under this project. Training must include, without limitation, the establishment of relationships and coordination with relevant advocacy groups;

C. Volunteers shall maintain the confidentiality of ASPIRE-TANF program and Parents as Scholars Program participants with whom they are working;

D. Volunteers in a peer support and advocacy group are authorized to work directly with ASPIRE-TANF program workers and Parents as Scholars Program workers and supervisors to help resolve problems identified by participants from whom they have received a request for assistance;

E. Each peer support and advocacy group is responsible for identifying and documenting systemic problems facing ASPIRE-TANF program and Parents as Scholars Program participants served by its office and reporting those problems to the department and to the Maine Temporary Assistance for Needy Families Advisory Council established by Title 5, section 12004-I, subsection 36-C; and

F. The department or any employee of the department may not penalize, retaliate against or discriminate against any ASPIRE-TANF program or Parents as Scholars Program participant for seeking assistance from a volunteer in a peer support and advocacy group or against any volunteer in a peer support and advocacy group acting within the scope of the volunteer's role. If a volunteer in a peer support and advocacy group

or an ASPIRE-TANF program or Parents as Scholars Program participant believes this paragraph has been violated, the individual or the individual's representative may request a fair hearing pursuant to Title 5, chapter 375, subchapter 4.

4. Report. The department shall provide a report on the status and progress of the project to the Joint Standing Committee on Health and Human Services by March 1, 2004.

5. Repeal. This section is repealed July 1, 2005.

See title page for effective date.

CHAPTER 352

S.P. 263 - L.D. 768

An Act To Improve the Administration of the Baxter Compensation Program

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

Whereas, the compensation panel of the Baxter Compensation Program has begun processing claims for compensation for persons abused while students at the Governor Baxter School for the Deaf or the Maine School for the Deaf; and

Whereas, the current law could be read to require the release to the public of the details of the abuse that each claimant suffered; and

Whereas, keeping the details of abuse confidential is seen as necessary for some survivors of the abuse to come forward and is important in continuing the healing process without jeopardizing the health and welfare of the deaf community; 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. 5 MRSA §22002, sub-§6, ¶H, as enacted by PL 2001, c. 439, Pt. T, §5, is amended to read:

H. The authority shall submit an annual written report by January 15th of each year to the Governor, the Attorney General and the joint stand-

ing committee of the Legislature having jurisdiction over judiciary matters. The report must include information on the following:

- (1) The activities of the authority within the last 12 months;
- (2) The number of employees and volunteers and their responsibilities;
- (3) Data pertaining to the following:
 - (a) Requests for information;
 - (b) Applications filed;
 - (c) Claims submitted to the compensation panel;
 - (d) Decisions made by the compensation panel; and the nature of the decisions;
 - (e) Decisions appealed to the appeal board; and the grounds for and outcomes of the appeals;
 - (f) Claims pending completion prior to being submitted to the compensation panel;
 - (g) Claims pending decision by the compensation panel;
 - (h) Claims pending resolution by the appeal board; and
 - (i) Awards made and paid;
- (4) Amount of compensation paid;
- (5) Any other information that would help to evaluate the performance of the program; ~~and~~
- (6) Any recommended legislation the authority determines is necessary to carry out its duties; ~~and~~
- (7) A detailed account of the administrative budget and the previous year's expenditures.

Sec. 2. 5 MRSA §22002, sub-§8, as enacted by PL 2001, c. 439, Pt. T, §5, is amended to read:

8. Use of trust fund. The authority may use up to ~~15%~~ \$407,000 of the trust fund for administrative expenses in each fiscal year, except that the total amount of the trust fund that may be used for administrative expenses for the duration of the program may not exceed \$1,500,000.

Sec. 3. 5 MRSA §22009, sub-§2, as enacted by PL 2001, c. 439, Pt. T, §5, is amended to read:

2. Confidential. All information provided by a claimant or a claimant's family is confidential until the claim is submitted to the compensation panel. Once the claim is submitted to the compensation panel, ~~the claim~~ the following information is a public record:

A. The claimant's name;

B. The claimant's eligibility for compensation;

C. The amount of the compensation award, if any; and

D. A summary of the compensation panel's rationale in deciding eligibility and the compensation award amount.

All other information supporting or corroborating the claim continues to be confidential and may be released by the authority to only the Attorney General, the Governor and the chairs of the joint standing committee of the Legislature having jurisdiction over the authority. The information remains confidential and the Attorney General, the Governor and chairs of the committee may not release it.

Sec. 4. 5 MRSA §22025, sub-§§4 and 5, as enacted by PL 2001, c. 439, Pt. T, §5, are repealed and the following enacted in their place:

4. Appeal on record and appeal documents. In considering an appeal, the appeal board, except as otherwise provided in this section, shall consider only the record of the proceedings before the compensation panel, including any documents or testimony presented to the panel. The appeal board may also consider any oral or written arguments that the claimant may wish to make in support of the claim.

5. Standard of review. The appeal board may either affirm or increase a compensation award of the compensation panel, but may not reduce an award. The appeal board may overrule a decision of the compensation panel only if the appeal board determines the decision of the compensation panel is arbitrary and capricious, inconsistent with the statute or inconsistent with the policies adopted by the authority.

Sec. 5. 5 MRSA §22025, sub-§5-A is enacted to read:

5-A. New information. If a claimant wishes to offer on appeal new information not presented to the compensation panel, the appeal board shall determine whether the new information is appropriate for consideration in connection with the claim. If the appeal board determines that the new information is

appropriate for consideration, it shall return the matter to the compensation panel and order that the compensation panel reconsider the claim in light of the new information.

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

Effective May 30, 2003.

CHAPTER 353

H.P. 775 - L.D. 1057

An Act To Allow a Worker at a Beano Game To Play the Cards of a Player Who Takes a Restroom Break

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

Sec. 1. 17 MRSA §329 is enacted to read:

§329. Assistance for player

A person conducting or assisting in the conduct of beano may assist a player by playing that player's cards while the player takes a restroom break. This section does not apply to the conduct of high-stakes beano.

See title page for effective date.

CHAPTER 354

S.P. 181 - L.D. 541

An Act To Ensure Timely Responses to Requests for School Administrative District Reapportionments

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to

take advantage of its provisions, which require the Commissioner of Education to make more timely determinations regarding the reapportionment of school administrative districts; 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. 20-A MRSA §1255, sub-§§1 and 3, as amended by PL 1987, c. 395, Pt. A, §54, are further amended to read:

1. Duties of commissioner. The commissioner shall determine if a district is apportioned in accordance with the principles of one ~~man~~ person, one vote, if:

A. ~~He~~ The commissioner receives a request by the board of directors;

B. ~~He~~ The commissioner receives a petition signed by district voters equal to at least 10% of the voters who voted in the last gubernatorial election in the district; or

C. ~~He~~ The commissioner determines a district is not apportioned according to the principles of one ~~man~~ person, one vote.

The commissioner shall make a determination under paragraph A or B within 30 days of receiving the request or the petition.

3. Findings and order. If the commissioner finds the district's representation is not apportioned in accordance with the principle of one ~~man~~ person, one vote, ~~he~~ the commissioner shall, within 7 days of that decision, notify the superintendent of the finding and shall order the superintendent to notify the municipal officers in each municipality in the district and the school board to create a reapportionment committee. The superintendent's notification shall must include the commissioner's notification, the information provided pursuant to subsection 6 and the time and place for the first meeting of the committee, which ~~shall~~ must be held not later than 20 days after the notification.

Sec. 2. 20-A MRSA §1255, sub-§6, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

6. Duties of commissioner. The commissioner shall provide the ~~committee~~ superintendent with the