

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

unemployed individual who is neither able nor available for work due to good cause as determined by the deputy ~~shall be~~ is eligible to receive prorated benefits for that portion of the week during which ~~he~~ the individual was able and available;

A. Notwithstanding this subsection, beginning January 1, 2004, an individual who is not available for full-time work as required in this subsection is not disqualified from receiving benefits if:

(1) The individual worked less than full time for a majority of the weeks during that individual's base period and the individual is able and available for and actively seeking part-time work for at least the number of hours in a week comparable to those customarily worked in part-time employment during that individual's base period; or

(2) The individual worked full time for a majority of the weeks during that individual's base period, but is able and available for and actively seeking only part-time work because of the illness or disability of an immediate family member or because of limitations necessary for the safety or protection of the individual or individual's immediate family member.

This paragraph does not apply to a person who applies for benefits after September 30, 2005. This paragraph continues to apply to a person who applies for benefits on or before September 30, 2005 until that person has exhausted benefits payable under that application.

Sec. 2. Appropriations and allocations.

The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

**Unemployment Compensation Benefit
Account 0245**

Initiative: Allocates funds to provide for the additional cost of providing unemployment benefits to persons who are unavailable for full-time work under certain circumstances.

Employment Security Trust Fund	2003-04	2004-05
All Other	\$2,280,000	\$2,320,000
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Employment Security Trust Fund Total	\$2,280,000	\$2,320,000

See title page for effective date.

CHAPTER 459

S.P. 48 - L.D. 125

An Act to Promote Fairness and Opportunity for Working Amputees

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

Sec. 1. 24-A MRSa §4315 is enacted to read:

§4315. Coverage of prosthetic devices

1. Definition. As used in this section, "prosthetic device" means an artificial device to replace, in whole or in part, an arm or a leg.

2. Required coverage. A carrier shall provide coverage for prosthetic devices in all health plans that, at a minimum, equals the coverage and payment for prosthetic devices provided under federal laws and regulations for the aged and disabled pursuant to 42 United States Code, Sections 1395k, 1395l and 1395m and 42 Code of Federal Regulations, Sections 414.202, 414.210, 414.228 and 410.100. Covered benefits must be provided for a prosthetic device determined by the enrollee's provider, in accordance with section 4301-A, subsection 10-A, to be the most appropriate model that adequately meets the medical needs of the enrollee.

3. Prior authorization. A carrier may require prior authorization for prosthetic devices in the same manner as prior authorization is required for any other covered benefit.

4. Repair or replacement. Coverage under this section must also be provided for repair or replacement of a prosthetic device if repair or replacement is determined appropriate by the enrollee's provider.

5. Coverage under managed care plan. If coverage under this section is provided through a managed care plan, a carrier may require that prosthetic services be rendered by a provider who contracts with the carrier and that a prosthetic device be provided by a vendor designated by the carrier.

6. Exclusions. Coverage is not required pursuant to this section for a prosthetic device that contains a microprocessor or that is designed exclusively for athletic purposes.

Sec. 2. Application. The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2004. For

purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

CHAPTER 460

H.P. 835 - L.D. 1132

An Act To Simplify Calculation of Legal Interest

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

Whereas, the unification of the District Court and the Superior Court became effective on January 1, 2001; and

Whereas, since that date, there has been ambiguity and confusion regarding the proper methodology for calculating prejudgment and post-judgment interest; 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. 10 MRSA §1113, sub-§4, as enacted by PL 1993, c. 461, §1, is amended to read:

4. Delayed payments. Except as otherwise agreed, if any progress or final payment to a contractor is delayed beyond the due date established in subsection 3, the owner shall pay the contractor interest on any unpaid balance due beginning on the 21st day, at an interest rate equal to that specified in Title 14, section ~~1602-A~~, ~~subsection 2~~ 1602-C.

Sec. 2. 10 MRSA §1114, sub-§4, as enacted by PL 1993, c. 461, §1, is amended to read:

4. Delayed payments. Notwithstanding any contrary agreement, if any progress or final payment to a subcontractor or material supplier is delayed beyond the due date established in subsection 2 or 3, the contractor or subcontractor shall pay its subcontractor or material supplier interest on any unpaid balance due beginning on the next day, at an interest rate equal to that specified in Title 14, section ~~1602-A~~, ~~subsection 2~~ 1602-C.

Sec. 3. 14 MRSA §1502-D, as amended by PL 1989, c. 360, is further amended to read:

§1502-D. Taxing of costs; hearing

The clerk shall set costs under section 1502-B and interest under section ~~1602~~ 1602-B to the extent they appear from the record. The prevailing party or the prevailing party's attorney may submit a bill of costs for all other costs or interest to the court not later than 10 days after entry of judgment and serve copies on all parties who have appeared and may be required to pay these costs. Any party required to pay all or any part of these costs, except a party who is defaulted and has not appeared, may, within 10 days after the date of service, challenge any items of cost or interest and request review by the court. The prevailing party shall, within 10 days after a challenge, submit to the court any vouchers or other records verifying any challenged items of cost or interest. Either side may request oral argument and submit affidavits and briefs. An evidentiary hearing on the reasonableness of costs or interest will be held only when the judge determines that there exists a substantial need for the hearing and the amount of challenged costs or interest are substantial. If the presiding judge determines that the imposition of costs will cause a significant financial hardship to any party, the judge may waive all or part of the costs with respect to that party.

Sec. 4. 14 MRSA §1602, as amended by PL 2001, c. 471, Pt. D, §13, is repealed.

Sec. 5. 14 MRSA §1602-A, as amended by PL 2001, c. 471, Pt. D, §14, is repealed.

Sec. 6. 14 MRSA §§1602-B and 1602-C are enacted to read:

§1602-B. Interest before judgment

1. In small claims. In small claims actions, prejudgment interest is not recoverable unless the rate of interest is based on a contract or note.

2. On contracts and notes. In all civil and small claims actions involving a contract or note that contains a provision relating to interest, prejudgment interest is allowed at the rate set forth in the contract or note.

3. Other civil actions; rate. In civil actions other than those set forth in subsections 1 and 2, prejudgment interest is allowed at the one-year United States Treasury bill rate plus 3%.

A. For purposes of this subsection, "one-year United States Treasury bill rate" means the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the