

# 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**

GENERAL FUND	\$500,000	\$500,000
FEDERAL EXPENDITURES FUND	973,188	971,021
DEPARTMENT TOTAL - ALL FUNDS	\$1,473,188	\$1,471,021

See title page for effective date, unless otherwise indicated.

**CHAPTER 470**

**H.P. 109 - L.D. 100**

**An Act to Repeal the Presidential Preference Primary Elections Process**

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

**Sec. 1. 21-A MRSA c. 5, sub-c. 5,** as amended, is repealed.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF THE

Bureau of Administrative Services and Corporations 0692

Initiative: Deappropriates funds to reflect the repeal of the presidential preference primary.

General Fund	2003-04	2004-05
All Other	(\$22,600)	\$0
General Fund Total	(\$22,600)	\$0

See title page for effective date.

**CHAPTER 471**

**S.P. 135 - L.D. 398**

**An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts**

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

**Sec. 1. 39-A MRSA §303,** as amended by PL 1999, c. 354, §5, is further amended to read:

**§303. Reports to board**

When any employee has reported to an employer under this Act any injury arising out of and in the course of the employee's employment that has caused

the employee to lose a day's work, or when the employer has knowledge of any such injury, the employer shall report the injury to the board within 7 days after the employer receives notice or has knowledge of the injury. The employer shall also report the average weekly wages or earnings of the employee, as defined in section 102, subsection 4, together with any other information required by the board, within 30 days after the employer receives notice or has knowledge of a claim for compensation under section 212, 213 or 215, unless a wage statement has previously been filed with the board. A copy of the wage information must be mailed to the employee. The employer shall report when the injured employee resumes the employee's employment and the amount of the employee's wages or earnings at that time. The employer shall complete a first report of injury form for any injury that has required the services of a health care provider within 7 days after the employer receives notice or has knowledge of the injury. The employer shall provide a copy of the form to the injured employee and retain a copy for the employer's records but is not obligated to submit the form to the board unless the injury later causes the employee to lose a day's work. The employer is also required to submit the form to the board if the board has finally adopted a major substantive rule pursuant to Title 5, chapter 375, subchapter 2-A to require the form to be filed electronically.

**Sec. 2. 39-A MRSA §401, sub-§5-A** is enacted to read:

**5-A. Working group on data collection and injury prevention.** The Department of Labor, Bureau of Labor Standards shall convene a working group beginning not later than October 1, 2003 to evaluate data on work-related injuries and identify ways to reduce the incidence of such injuries. The bureau shall include in the group representatives of the board, labor, employers, occupational health practitioners, safety experts, insurers and others that the bureau considers useful and necessary to the group. The group shall review existing data collection efforts and the structure within State Government for evaluating and improving injury prevention efforts in the workplace. The group shall identify ways to improve data collection, analysis and injury prevention programs in the State. The bureau shall report the recommendations of the group by January 1, 2005 and January 1, 2006 to the Governor and to the joint standing committees of the Legislature having jurisdiction over labor matters and over insurance matters. Those committees are authorized to report out legislation in response to the recommendations to the First Regular Session of the 122nd Legislature and the Second Regular Session of the 122nd Legislature. The bureau may continue the group as long as it considers such a group useful in understanding the causes and

promoting prevention of work-related injuries in the State.

See title page for effective date.

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## CHAPTER 472

S.P. 96 - L.D. 262

### An Act To Require That Disciplinary, Attendance and Health Records Be Included in the Records That Follow a Student Who Transfers to Another School

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

**Sec. 1. 20-A MRSA §6001-B, sub-§2,** as amended by PL 2001, c. 452, §14, is further amended to read:

**2. Transfer of records.** Upon application of a student to transfer to another school administrative unit in this State or to enroll at a school administrative unit in this State from an educational program or school for juveniles located in or operated by a correctional facility or a school outside of the State, and upon the written request of the superintendent of the school administrative unit into which the student seeks admission, school administrators at the school administrative unit from which the student is transferring shall provide all of the student's education records, including disciplinary records, attendance records, health records other than confidential health records for which consent for dissemination has not been obtained and special education records, to school administrators at the school administrative unit to which the student is seeking a transfer. Confidential health records may be provided under this subsection only if the school administrator at the school administrative unit from which the student is transferring receives the authorization or consent necessary for the dissemination of information contained in the following records:

A. Records concerning information on a person's HIV infection status, including the results of an HIV test, as those records are described in Title 5, section 19203-D;

B. Records concerning information on a person's alcohol and other drug abuse treatment as those records are described in Title 5, section 20047;

C. Records concerning information on a person's health care and treatment as those records are described in Title 22, section 1711-C; and

D. Records concerning information on a person's mental health treatment as those records are described in Title 34-B, section 1207.

See title page for effective date.

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## CHAPTER 473

H.P. 387 - L.D. 502

### An Act To Expand the Education Tax Credit

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

**Sec. 1. 10 MRSA §1100-Y, sub-§1, ¶A,** as enacted by PL 2001, c. 700, §1, is amended to read:

A. "Eligible student" means a student who:

(1) Is a resident of the State;

(2) Is a graduate of an approved secondary school or the equivalent, including, but not limited to, a student who received equivalent instruction through home instruction, a student who matriculated at an accredited public or private institution of higher education in the State prior to high school graduation or a student who successfully completed a general educational development examination or its equivalent; and

(3) Is or will be matriculated at an institution of higher education; ~~and~~

~~(4) Signs a statement of intent to reside in the State upon graduation from that institution of higher education.~~

**Sec. 2. 10 MRSA §1100-Y, sub-§2, ¶B,** as enacted by PL 2001, c. 700, §1, is repealed and the following enacted in its place:

B. Following initial certification pursuant to paragraph A, annual certification standards for a qualified scholarship organization must include the requirement that the qualified scholarship organization:

(1) Has awarded in the form of need-based scholarships an amount equal to at least 95% of the contributions received during the preceding calendar year that are eligible for a tax credit under Title 36, section 2527 or 5219-U; or

(2) Demonstrate that it is a need-based scholarship-granting organization possessing an endowment or endowments with a