

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

CHAPTER 86

H.P. 536 - L.D. 730

Resolve, Allowing Christy Reposa To Sue the State

Sec. 1. Authorization to sue State. Resolved: That, notwithstanding any statute or common law to the contrary, Christy Reposa, the mother of Logan Marr, or her legal representative, who claims to have suffered damages as a result of the death of Logan Marr while she was in the custody of the Department of Human Services, is authorized to bring a civil action for damages against the Department of Human Services, but not against a past or present employee of the Department of Human Services. This resolve is a waiver of the State's defense of immunity under the Maine Revised Statutes, Title 14, chapter 741.

This action may be brought in the Kennebec County Superior Court within one year from the date this resolve is approved. In all other respects, this action must be brought in accordance with Title 18-A, section 2-804. The 180-day notice requirement set forth in Title 14, section 8107 is waived. Liability and damages, including punitive damages, must be determined according to state law as in litigation between individuals. The action may be heard by a Justice of the Superior Court or by a jury. The Maine Rules of Civil Procedure govern the conduct of the action. The Attorney General shall appear, answer and defend the action.

The Treasurer of State shall pay any judgment, including costs and interest, on final process issued by Superior Court or, if applicable, the Supreme Judicial Court. Recovery may not exceed \$400,000, including costs, interest and punitive damages.

The proceeds of any recovery, not including costs and reasonable attorney's fees as determined by the court, must be deposited with a 3rd-party trustee determined by counsel for Christy Reposa, subject to approval by the court, and disbursed only to pay for postsecondary educational expenses for a sibling of Logan Marr. If these proceeds so deposited are not disbursed to pay for postsecondary educational expenses for a sibling of Logan Marr, they must be deposited in the Victims' Compensation Fund established in Title 5, section 3360-H and, notwithstanding Title 5, chapter 316-A, used only for the payment of claims arising under Title 5, chapter 316-A based on a crime against a person who has not attained 18 years of age.

See title page for effective date.



CHAPTER 87

S.P. 216 - L.D. 607

Resolve, To Study the Effects of NAFTA and Other Cross-border Issues on Maine Businesses

Sec. 1. Study effects of NAFTA. Resolved: That the Department of Economic and Community Development and the Executive Department, State Planning Office shall jointly study the effects of the North American Free Trade Agreement, or "NAFTA," on Maine small businesses throughout the State. The study must include, but is not limited to, the positive and negative effects of NAFTA on imports and exports in general with particular attention to:

1. Imports and other cross-border commerce;
2. Metal products and steel fabrication industry;
3. Natural resource-based industries; and
4. Manufactured housing and home building industries; and be it further

Sec. 2. Report. Resolved: That on or before October 31, 2003, the Department of Economic and Community Development and the Executive Department, State Planning Office shall submit to the Legislature a joint report summarizing the results of the study, including, but not limited to, information on jobs created and jobs lost in the State due to NAFTA and businesses created and businesses closed in the State due to NAFTA; and be it further

Sec. 3. Legislation. Resolved: That on or before November 14, 2003 the Department of Economic and Community Development may submit legislation resulting from the study to the Legislature that would:

1. Expand business opportunities under NAFTA for Maine businesses; and
2. Minimize adverse effects of NAFTA on Maine businesses; and be it further

Sec. 4. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Administration - Economic and Community Development 0069

Initiative: Appropriates one-time funds to the Department of Economic and Community Development to study the effects of the North American Free Trade Agreement.

GENERAL FUND	2003-04	2004-05
All Other	\$25,000	\$0
General Fund Total	\$25,000	\$0

See title page for effective date.

CHAPTER 88

S.P. 61 - L.D. 138

Resolve, Directing the State Tax Assessor to Adjust the State Valuation for the Town of Ashland

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

Whereas, the Town of Ashland is the host community to the Boralex Ashland, Inc., formerly Northeast Empire Limited Partnership #II, biomass electrical generation facility; and

Whereas, as a result of severe disruptions in the economics and operations of the biomass electrical generation industry, the Town of Ashland has experienced a sudden and severe disruption of its municipal valuation related to the year 2001 municipal valuation relied upon by the State for purposes of establishing the 2003 state valuation, as determined by the Department of Administrative and Financial Services, Maine Revenue Services, Property Tax Division in September of 2002; and

Whereas, Maine Revenue Services, Property Tax Division has completed its state valuations and the appeal period for the same has passed; and

Whereas, absent this special legislation, there is no means for Maine Revenue Services, Property Tax Division to recalculate an adjusted state valuation for the Town of Ashland for the 2003 state valuation; 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

Sec. 1. State valuation for Town of Ashland for year 2003. Resolved: That, due to the sudden and severe disruption of valuation caused by changes in the economics and operations of the biomass electrical generation industry, notwithstanding the Maine Revised Statutes, Title 36, sections 208 and 208-A, the State Tax Assessor shall reduce the

state valuation for the Town of Ashland for the year 2003 state valuation to \$66,950,000; and be it further

Sec. 2. General purpose aid for local schools; Ashland. Resolved: That the Commissioner of Education shall adjust the payments to the Town of Ashland for general purpose aid for local schools in fiscal year 2003-04 to reflect the revised 2003 state valuation provided by this resolve. If any savings occurs in the fiscal year 2003-04 General Purpose Aid for Local Schools account, the appropriate amount of those savings must be applied to increase the Ashland school administrative unit's general purpose aid for local schools in fiscal year 2003-04. If insufficient savings occur to fund all adjustments to 2003 state valuation made pursuant to enactments of the Legislature, the amount of savings must be divided equally among all school administrative units for which adjustments have been made. If insufficient savings occur in the fiscal year 2003-04 General Purpose Aid for Local Schools account to fully fund the adjustment required by this resolve, the appropriate increase in the Ashland school administrative unit's general purpose aid for local schools in fiscal year 2003-04 must be applied as an audit adjustment for general purpose aid for local schools in fiscal year 2004-05.

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

Effective June 23, 2003.

CHAPTER 89

S.P. 446 - L.D. 1358

Resolve, To Reestablish the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

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

Whereas, the 119th Legislature originally established the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine in Resolve 1999, chapter 82 and the 120th Legislature reestablished it in Public Law 2001, chapter 462; and

Whereas, Private and Special Law 2001, chapter 71 authorized a general fund bond in the amount of \$7,000,000 to raise funds to construct and upgrade water pollution control facilities, to remove