

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Lewiston, Maine
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weekly wage, but not more than the maximum benefit under section 211, for a period of 500 weeks from the date of death. If the employee leaves dependents only partially dependent upon the employee's earnings for support at the time of injury, the employer shall pay weekly compensation equal to the same proportion of the weekly payments for the benefit of persons wholly dependent, as 80% of the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of injury. If, at the expiration of the 500-week period, any wholly or partially dependent person is less than 18 years of age, the employer shall continue to pay or cause to be paid the weekly compensation until that person reaches the age of 18.

If a dependent spouse dies or becomes a dependent of another person, the payments must cease upon the payment to the spouse of the balance of the compensation to which the spouse would otherwise have been entitled but in no event to exceed the sum of \$500.00. The remaining weeks of compensation, if any, are payable to those persons either wholly or partially dependent upon the employee for support at the employee's death. ~~The board shall determine the amount of compensation or portion thereof that is payable weekly to the wholly or partially dependent person.~~ When, at the expiration of the 500-week period, any wholly or partially dependent person is less than 18 years of age, the employer shall continue to pay or cause to be paid the weekly compensation, until that person reaches the age of 18. The payment of compensation to any dependent child after the expiration of the 500-week period ceases when the child reaches the age of 18 years, if at the age of 18 years the child is neither physically nor mentally incapacitated from earning, or when the child reaches the age of 16 years and thereafter is self-supporting for 6 months. If the child ceases to be self-supporting thereafter, the dependency must be reinstated. As long as any of the 500 weeks of compensation remain, that compensation is payable to the person either wholly or partially dependent upon the deceased employee for support at the time of the employee's death, with the exception of a dependent spouse who becomes a dependent of another. If a wholly dependent or partially dependent child who reaches 18 years of age is either physically or mentally incapacitated so as to be unable to earn a living as determined by the board, the payments must continue until such time as the child either dies or is no longer physically or mentally incapacitated from earning.

2. Death of an injured employee. The death of the injured employee prior to the expiration of the period within which the employee would receive weekly payments ends the disability and all liability for the remainder of the payments that the employee would have received in case the employee had lived is terminated, but the employer is liable for the following

death benefits in lieu of any further disability indemnity.

A. If the injury received by the employee was the proximate cause of the employee's death and the deceased employee leaves dependents wholly or partially dependent on the employee for support, the death benefit ~~must be a sum sufficient, when added to the indemnity benefits that at the time of death have been paid or become payable under section 212 or 213 to the deceased employee, to make the total compensation for the injury and death~~ is equal to the full amount that the dependents would have been entitled to receive under subsection 1 if the injury had resulted in immediate death. Benefits under this paragraph are payable in the same manner as if the injury resulted in immediate death.

B. If an application for benefits has been filed but has not been decided by the board or is on appeal and the employee dies from a cause unrelated to the employee's injury, the proceedings may be continued in the name of the employee's personal representative. In such a case, any benefits awarded are payable up to time of death and must be paid to the same beneficiaries and in the same amounts as would have been payable if the employee had suffered a compensable injury resulting in death.

Sec. 2. Application. This Act applies to claims filed on or after the effective date of this Act.

See title page for effective date.

CHAPTER 362 H.P. 1009 - L.D. 1440

An Act To Prohibit the Sale or Distribution of Software That Contains Inappropriate Advertising of Prescription Drugs

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

Sec. 1. 22 MRSA §2700-A, sub-§1, ¶B-1 is enacted to read:

B-1. "Prescriber" means a person who is licensed, registered or otherwise authorized in the appropriate jurisdiction to prescribe and administer drugs in the course of professional practice.

Sec. 2. 22 MRSA §2700-A, sub-§2-A is enacted to read:

2-A. Software prohibition. Beginning January 1, 2008, a person may not sell or distribute in the State computer software that influences or attempts to influ-

ence a prescribing decision of a prescriber to prescribe a certain drug or that directs a patient to a certain pharmacy. Features of computer software that are prohibited include, but are not limited to, pop-up and other advertisements, instant messages and economic incentives that are triggered by or in specific response to a selection, act or other input or designation of pharmacy by the prescriber or an agent of the prescriber. This subsection does not apply to in-house equipment provided within a hospital for use by prescribers and the hospital pharmacy or to information provided to a prescriber about prescription drug formulary compliance, patient care management or pharmacy reimbursement.

See title page for effective date.

CHAPTER 363

H.P. 1014 - L.D. 1445

An Act To Define "Livable Wage"

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

Sec. 1. 26 MRSA §1-A is enacted to read:

§1-A. Livable wage defined

As used in this Title, unless the context otherwise indicates, "livable wage" means the statewide average livable wage for a 2-parent household with 2 earners and 2 children as reported by the Department of Labor in the most recent annual report required pursuant to section 1405.

Sec. 2. 26 MRSA §1405 is enacted to read:

§1405. Livable wages; calculation

1. Calculation. By December 31, 2007 and annually thereafter, the department shall calculate livable wages for households in the State's counties and metropolitan statistical areas by family size and as statewide averages by developing an annual basic needs budget for the following family sizes:

- A. Single person;
- B. Single parent and one child;
- C. Single parent and 2 children;
- D. Two parents, with one earner and 2 children; and
- E. Two parents, with 2 earners and 2 children.

By January 30, 2008 and annually thereafter, the department shall report the livable wages calculated pursuant to this subsection to the Legislature.

Sec. 3. Livable wage calculation. In calculating the livable wages pursuant to the Maine Revised

Statutes, Title 26, section 1405, the Department of Labor shall use the methodology set forth by the Maine Center for Economic Policy in the report entitled "Getting By: Maine Livable Wages in 2004."

See title page for effective date.

CHAPTER 364

S.P. 531 - L.D. 1508

An Act To Protect the Scenic Value of the Kennebec River

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

Whereas, this legislation needs to take effect immediately so that the banks of the Kennebec River will be preserved; 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. 12 MRSA §403, sub-§7, as enacted by PL 1983, c. 458, §1, is amended to read:

7. Kennebec River. The Kennebec River from Bay Point in Georgetown to ~~the Father Curran Bridge in Augusta~~ its confluence with the Sebasticook River in Winslow and from the confluence of the Dead River with the Kennebec River up to, but not including, the Harris Dam in Indian Stream Township;

Sec. 2. 38 MRSA §490-D, sub-§5-A, ¶A, as enacted by PL 1995, c. 287, §11, is amended to read:

A. A natural buffer strip at least 100 feet wide must be maintained between the working edge of the excavation and the normal high water line of a great pond classified as GPA ~~or~~ a river flowing to a great pond classified as GPA or a segment of the Kennebec River identified in Title 12, section 403, subsection 7.

Sec. 3. 38 MRSA §490-Z, sub-§5, ¶A, as enacted by PL 1995, c. 700, §35, is amended to read:

A. A natural buffer strip at least 100 feet wide must be maintained between the working edge of the excavation and the normal high water line of a great pond classified as GPA ~~or~~ a river flowing to a great pond classified as GPA or a segment of the Kennebec River identified in Title 12, section 403, subsection 7.