

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

1-A. Open training season 2009-2010. Notwithstanding subsection 1, beginning July 1, 2009 and ending June 30, 2010, unless otherwise provided in this Part, a person may not:

A. Engage in activities authorized under this subsection unless that person possesses a valid hunting license issued under section 11109; and

B. Train dogs on wild birds and wild animals except as specified in this paragraph.

(1) A person may train dogs on foxes, rabbits and raccoons from July 1st through the following March 31st, including Sundays.

(2) A person may train sporting dogs on wild birds at any time, including Sundays.

(3) A resident may train up to 6 dogs at any one time on bear from July 1st to the first day of the open season on hunting bear, except in those portions of Washington County and Hancock County that are situated south of Route 9.

A person who violates this subsection commits a Class E crime.

This subsection is repealed on June 30, 2010.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2009.

Effective July 1, 2009.

CHAPTER 77

S.P. 263 - L.D. 688

An Act To Equalize Annuity and Structured Settlement Annuity Benefits with Life Insurance under the Maine Life and Health Insurance Guaranty Association

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

Whereas, current financial and economic conditions have raised concerns about the financial health of certain insurance companies; and

Whereas, if an insolvency occurs, the maximum amount of funds invested in annuity accounts and protected through the Maine Life and Health Insurance Guaranty Association is only \$100,000; and

Whereas, the maximum benefit amount is increased in this Act from \$100,000 to \$250,000 for the

protection of those Maine residents with investments in annuity accounts; and

Whereas, immediate enactment is necessary to provide the maximum protection granted in this Act in the event of an insolvency; 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. 24-A MRSA §4603, sub-§3, ¶B, as enacted by PL 2005, c. 346, §2 and affected by §16, is amended to read:

B. With respect to one life, regardless of the number of policies or contracts:

(1) Three hundred thousand dollars in life insurance death benefits, but not more than \$100,000 in net cash surrender and net cash withdrawal values for life insurance;

(2) The following limits for health insurance benefits:

(a) Three hundred thousand dollars for coverages not defined as disability insurance or basic hospital, medical and surgical insurance or major medical insurance, including any net cash surrender and net cash withdrawal values;

(b) Three hundred thousand dollars for disability and long-term care insurance; or

(c) Five hundred thousand dollars for basic hospital, medical and surgical insurance or major medical insurance; or

(3) ~~One hundred~~ Two hundred fifty thousand dollars in the present value of annuity benefits, including net cash surrender and net cash withdrawal values; or

Sec. 2. 24-A MRSA §4603, sub-§3, ¶C, as enacted by PL 2005, c. 346, §2 and affected by §16, is amended to read:

C. With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, ~~\$100,000~~ \$250,000 in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values.

Sec. 3. Applicability. This Act applies to an insolvency of an insurance company who is a member of the Maine Life and Health Insurance Guaranty As-

sociation that occurs on or after the effective date of this Act.

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

Effective May 4, 2009.

CHAPTER 78

S.P. 350 - L.D. 928

An Act To Permit the Landing of Draged Crabs as Bycatch

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

Whereas, given the serious recent restrictions on groundfishing, this legislation may provide some relief to the troubled industry; 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 §6421, sub-§4, as amended by PL 1991, c. 591, Pt. T, §1, is repealed and the following enacted in its place:

4. Exception. A license is not required for a person:

A. To take or catch crabs with bare hands or hook and line; or

B. Who is issued a commercial fishing license under section 6501 to take, possess and sell crabs that have been taken as bycatch while using an otter trawl within the exclusive economic zone as shown on the most recently published Federal Government nautical chart. Crabs taken by otter trawl within the territorial waters must be liberated alive immediately.

This subsection is repealed June 30, 2012.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

Effective May 4, 2009.

CHAPTER 79

H.P. 446 - L.D. 632

An Act To Increase Payments to Victims of Crimes

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

Sec. 1. 5 MRSA §3360, sub-§2-A is enacted to read:

2-A. Catastrophic injury. "Catastrophic injury" means an extremely serious injury that may result in permanent disability or a long-lasting medical condition.

Sec. 2. 5 MRSA §3360, sub-§4, as amended by PL 2003, c. 243, §2, is further amended to read:

4. Eligible expenses and losses. "Eligible expenses and losses" means expenses and losses resulting from a personal injury sustained by an individual as a direct result of a crime specified in subsection 3 and may include medical and medically related expenses, psychological or mental health counseling expenses, lost wages ~~and~~, funeral ~~and~~, burial ~~and other homicide-related expenses and travel expenses and loss of income of a claimant or family member for providing or obtaining care for the personal injury of a minor or incapacitated victim.~~ "Eligible expenses and losses" may include costs of eyeglasses, hearing aids, dentures or other prosthetic devices taken, lost, destroyed or damaged as a result of the crime, costs to repair ~~or~~, replace or install locks or security devices ~~and~~, costs of crime scene cleanup and security deposits. Expenses and losses claimed under this subsection must be expenses or losses actually and reasonably incurred.

Sec. 3. 5 MRSA §3360-B, sub-§3, as enacted by PL 1997, c. 378, §5, is amended to read:

3. Eligibility for payment of mental health treatment for family members. The board may award compensation for the benefit of a surviving family or household member of a person who dies or suffers catastrophic injury as a direct result of a crime, a family or household member who witnessed a crime or a family or household member of a sexual assault victim ~~who is a minor~~ for unreimbursed mental health treatment expenses directly related to the crime.

Sec. 4. 5 MRSA §3360-M, sub-§2, as amended by PL 2007, c. 240, Pt. WW, §2, is further amended to read:

2. Forensic examination; forensic examiner training and education. The board shall determine by rule what a forensic examination may include for purposes of payment. An examination must include at least all services directly related to the gathering of forensic evidence and related testing and treatment for