

# 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.**

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**Augusta, Maine**  
**2009**

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 Dragged 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 T, §1, is repealed and the following enacted in its place: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This subsection is repealed June 30, 2012.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