

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

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

nation of factual innocence and modify accordingly any record correction earlier made pursuant to subsection 6. The written order must contain findings of fact supporting its decision to vacate or not to vacate.

§2184. Review of determination of factual innocence; review of subsequent vacating of determination

A final judgment entered under section 2183, subsection 5 or 7 may be reviewed by the Supreme Judicial Court sitting as the Law Court.

1. Appeal by the person. A person aggrieved by the final judgment under section 2183, subsection 5 or 7 may not appeal as of right. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

2. Appeal by the State. If the State is aggrieved by the final judgment under section 2183, subsection 5 or 7, it may appeal as of right, and a certificate of approval by the Attorney General is not required. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

See title page for effective date.

CHAPTER 288

S.P. 487 - L.D. 1352

**An Act To Exempt from
Taxation Biodiesel Fuel
Produced for Personal Use**

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

Sec. 1. 36 MRSA §3204-A, sub-§7, as amended by PL 2003, c. 588, §13, is further amended to read:

7. Kerosene for retail sale. Kerosene prepackaged for home use or delivered into a separate tank for retail sale, in which case the excise tax must be remitted by licensed users pursuant to section 3207, rather than by the supplier; ~~and~~

Sec. 2. 36 MRSA §3204-A, sub-§8, as enacted by PL 1997, c. 738, §11, is amended to read:

8. Dyed fuel. Dyed fuel; ~~and~~

Sec. 3. 36 MRSA §3204-A, sub-§9 is enacted to read:

9. Self-produced biodiesel fuel. Biodiesel fuel that is produced by an individual and used by that same individual or a member of that individual's immediate family.

Sec. 4. Application. This Act applies to sales made on or after October 1, 2009.

See title page for effective date.

CHAPTER 289

H.P. 964 - L.D. 1374

**An Act To Ensure the
Effectiveness of Critical
Incident Stress Management
Teams**

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

Sec. 1. 25 MRSA Pt. 11 is enacted to read:

PART 11

CRITICAL INCIDENTS

CHAPTER 501

**CRITICAL INCIDENT STRESS MANAGEMENT
TEAMS**

§4201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Critical incident. "Critical incident" means a work-related incident that causes or has the potential to cause a law enforcement officer to experience emotional or physical stress. "Critical incident" includes, but is not limited to, use-of-force encounters that may result in the death of or serious injury to another person or an officer, fatal motor vehicle accidents, child abuse investigations and death investigations.

2. Critical incident stress management team. "Critical incident stress management team" means a team composed of members of a state, county or municipal law enforcement agency that is trained, in accordance with standards established by rule by the Commissioner of Public Safety, to assist and provide support to any person employed by the team's own agency or another law enforcement agency who has been involved in a critical incident that may affect, or has affected, the person's work performance or general well-being. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§4202. Critical incident stress management teams

1. Information confidential. Except as provided in subsection 2, all proceedings, communications and records, including, but not limited to, information concerning the identity of a person seeking or being furnished assistance, connected in any way with the work of a critical incident stress management team are con-

fidential and are not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action unless the confidentiality is waived by the affected person. Statistical data not identifying a person seeking the assistance of a critical incident stress management team must be made available for statistical evaluation and may not be made available for any other purpose.

2. Mandatory disclosure of information.

Unless protected by a privilege of law recognized by this State, a member of a critical incident stress management team must disclose to appropriate federal, state or local government agencies or law enforcement agencies the following types of information:

A. An admission by a person seeking the assistance of the critical incident stress management team that the person has committed a crime;

B. A disclosure of information by a person seeking the assistance of a critical incident stress management team that must be reported pursuant to any applicable law; or

C. A disclosure of information by a person seeking the assistance of a critical incident stress management team that would lead one to reasonably think that the person seeking assistance is a danger to that person or to another person.

Information disclosed under this subsection is no longer confidential unless it is otherwise designated confidential by statute.

See title page for effective date.

CHAPTER 290

S.P. 543 - L.D. 1459

An Act To Modify Child Support Enforcement Procedures and Requirements

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

Sec. 1. 19-A MRSA §1501, sub-§4, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed.

Sec. 2. 19-A MRSA §1501, sub-§4-A is enacted to read:

4-A. Medical support. "Medical support" means an amount ordered to be paid toward the cost of health insurance provided by a public entity or by another parent through employment or otherwise or for other medical costs not covered by insurance.

Sec. 3. 19-A MRSA §1501, sub-§4-B is enacted to read:

4-B. Private health insurance. "Private health insurance" means fee-for-service, health maintenance organization, preferred provider organization and other types of coverage available to either parent under which medical services could be provided to a child. "Private health insurance" does not include insurance that provides coverage only for accidental injury, specified disease, hospital indemnity, Medicare supplement, disability income, long-term care or other limited benefit health insurance policies and contracts.

Sec. 4. 19-A MRSA §1501, sub-§4-C is enacted to read:

4-C. Reasonable cost. "Reasonable cost" means the cost of private health insurance to the parent responsible for providing medical support that does not exceed amounts adopted by the Department of Health and Human Services in a rule implementing a cost-reasonableness standard. "Cost of private health insurance" means the cost of adding the child to existing coverage or the difference between self-only and family coverage, unless that cost is determined to be unjust by a court or the Department of Health and Human Services.

Sec. 5. 19-A MRSA §1604, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

§1604. Service

Service of a notice under section 1605 must be made by personal service ~~in hand and may be made by an authorized representative of the commissioner or by a person authorized as provided for personal service of summons by the Maine Rules of Civil Procedure, Rule 4(d).~~ Personal service within the State of a notice under section 1605 may be made by an authorized representative of the commissioner. Personal service outside the State of a notice under section 1605 may be made in the manner provided for personal service of summons outside the State by the Maine Rules of Civil Procedure, Rule 4(e).

Sec. 6. 19-A MRSA §1653, sub-§8, ¶C, as amended by PL 2005, c. 323, §12, is further amended to read:

C. The court may require the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the child. The court order must include a provision requiring at least one parent to obtain and maintain private health insurance coverage for medical, hospitalization and dental expenses the child, if reasonable cost private health insurance for the child is available to that parent at reasonable cost. The court order must also require the parent providing insurance to furnish proof of coverage to the other parent within 15 days of receipt of a copy of the court order. If ~~reasonable cost~~ private health insurance for the child is not available at reasonable cost at