

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
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6. Task force attorneys. The Attorney General, the United States Attorney for the District of Maine and the respective district attorneys may assign as many of their assistants and special assistants as they determine to be appropriate to each of the task forces or to the bureau generally. ~~The attorneys shall be available to the regional commanders and supervisors~~ bureau officers for purposes of ongoing consultation and advice ~~and shall be on the propriety and legal consequences of methods of investigation and are responsible for coordinating, with the regional commander or supervisor~~ commanders and supervisors, the prosecutorial and investigative priorities of the task force forces in conformity with the advice, consultation and direction provided by the board and the policies, practices and procedures of the bureau.

See title page for effective date.

CHAPTER 155

H.P. 613 - L.D. 873

An Act to Move the Registry of Persons Who Sustain Head Injuries from the Bureau of Rehabilitation to the Bureau of Health

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

22 MRSA §3087, first ¶, as enacted by PL 1987, c. 494, is amended to read:

The Bureau of ~~Rehabilitation~~ Health shall establish, maintain and operate a statewide registry of persons who sustain head injuries to assist in promoting the general health and welfare of the State's citizens, including, but not limited to, the following specific purposes:

See title page for effective date.

CHAPTER 156

H.P. 452 - L.D. 642

An Act to Clarify the Laws Relating to Insurance Coverage for Mammograms

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

Whereas, the availability and performance of mammograms is critical to providing adequate health care to women; and

Whereas, the Legislature recognized the importance of this procedure to the early detection of breast cancer by enacting Public Law 1989, chapter 875 requiring all insurance policies to provide coverage for screening mammograms; and

Whereas, changes must be made to that law to effectuate the Legislature's intent; 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 §2745-A, sub-§§2 and 3, as enacted by PL 1989, c. 875, Pt. I, §3, are amended to read:

2. Required coverage. All individual insurance policies that cover radiologic procedures, except those designed to cover only specific diseases, hospital indemnity or accidental injury only or dental procedures, must provide coverage for screening mammograms performed by providers that meet the standards established by the Department of Human Services' rules relating to radiation protection. The policies must reimburse for screening mammograms performed:

- A. At least once every 2 years for women between the ages of 40 and 49; and
- B. At least once a year for women age 50 and over.

3. Application. This section applies to all policies, contracts and certificates that cover radiologic procedures, except those policies that cover only dental procedures, accidental injury or specific diseases, executed, delivered, issued for delivery, continued or renewed in this State on or after March 1, 1991. For purposes of this section, all policies and contracts are deemed to be renewed no later than the next yearly anniversary of the policy or contract date.

Sec. 2. 24-A MRSA §2837-A, sub-§§2 and 3, as enacted by PL 1989, c. 875, Pt. I, §6, are amended to read:

2. Required coverage. All group insurance policies that cover radiologic procedures, except those policies that cover only dental procedures, accidental injury or specific diseases, must provide coverage for screening mammograms performed by providers that meet the standards established by the Department of Human Services relating to radiation protection. The policies must reimburse for screening mammograms performed:

- A. At least once every 2 years for women between the ages of 40 and 49; and
- B. At least once a year for women age 50 and over.

3. Application. This section applies to all policies, contracts and certificates that cover radiologic procedures, except those policies that cover only dental procedures, accidental injury or specific diseases, executed, delivered, issued for delivery, continued or renewed in this State on or after

March 1, 1991. For purposes of this section, all policies and contracts are deemed to be renewed no later than the next yearly anniversary of the policy or contract date.

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

Effective May 17, 1991.

CHAPTER 157

H.P. 405 - L.D. 588

An Act to Amend the Public Drinking Laws

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

17 MRSA §2003-A, sub-§2, as repealed and replaced by PL 1985, c. 474, is amended to read:

2. **Crime.** A person is guilty of public drinking if the person:

A. After being forbidden to do so personally by a law enforcement officer, ~~he~~ the person drinks liquor in any public place knowing that ~~he~~ the person is not licensed or privileged to do so, unless ~~he~~ the person has been given permission to do so by the owner or authorized person; or

B. Within a municipality, ~~he~~ the person drinks liquor in any public place other than on state property within ~~150~~ 200 feet of a notice posted conspicuously in the public place by the owner or authorized person which forbids drinking liquor in the public place, unless ~~he~~ the person has been given permission to do so by the owner or authorized person.

See title page for effective date.

CHAPTER 158

S.P. 195 - L.D. 504

An Act Relating to Alcohol Licenses for Golf Clubs

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

Sec. 1. 28-A MRSA §601, sub-§2, ¶H, as amended by PL 1989, c. 592, §1, is further amended to read:

H. The applicant is the husband, wife, father, mother, child or other close relation of a person whose license or application for a license for the same premises was revoked by the Administrative Court Judge or denied by the commission within the 6 months before the application was filed; ~~or~~

Sec. 2. 28-A MRSA §601, sub-§2, ¶I, as enacted by PL 1989, c. 592, §2, is amended to read:

I. The commission determines that the purpose of the application is to circumvent the provisions of this section: ; ~~or~~

Sec. 3. 28-A MRSA §601, sub-§2, ¶J is enacted to read:

J. The applicant is a golf club or a restaurant located on the property of a golf club and the Maine Human Rights Commission has found reasonable grounds to believe that the golf club has denied membership to a person in violation of Title 5, chapter 337, subchapter V, and has determined that conciliation efforts under Title 5, chapter 337, section 4612, subsection 3 have not succeeded. The Maine Human Rights Commission shall notify the State Liquor Commission when the golf club has corrected its discriminatory membership practices, after which the applicant ceases to be disqualified under this paragraph.

See title page for effective date.

CHAPTER 159

H.P. 644 - L.D. 918

An Act Relating to the Computation of Flow for Wastewater Discharges

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

38 MRSA §464, sub-§4, ¶D, as enacted by PL 1985, c. 698, §15, is amended to read:

D. ~~For~~ Except as otherwise provided in this paragraph, for the purpose of computing whether a discharge will violate the classification of any river or stream, the assimilative capacity of the river or stream shall must be computed using the minimum 7-day low flow which can be expected to occur with a frequency of once in 10 years. The department may use a different flow rate only for those toxic substances regulated under section 420. To use a different flow rate, the department must find that the flow rate is consistent with the risk being addressed.

See title page for effective date.

CHAPTER 160

S.P. 62 - L.D. 114

An Act to Exempt Certain Activities from the Site Location of Development Laws

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