

# 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

**3. Application.** This section applies only to burial sites and ~~graveyards~~ established cemeteries containing the bodies of humans.

**Sec. 4. 30-A MRSA §4452, sub-§5, ¶R,** as amended by PL 2005, c. 240, §5, is further amended to read:

R. The laws pertaining to harbors in Title 38, chapter 1, subchapter 1, local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2; ~~and~~

**Sec. 5. 30-A MRSA §4452, sub-§5, ¶S,** as enacted by PL 2005, c. 240, §6, is amended to read:

S. Local ordinances and ordinance provisions regarding storm water, including, but not limited to, ordinances and ordinance provisions regulating nonstorm water discharges, construction site run-off and postconstruction storm water management, enacted as required by the federal Clean Water Act and federal regulations and by state permits and rules; ~~and~~

**Sec. 6. 30-A MRSA §4452, sub-§5, ¶T** is enacted to read:

T. Laws pertaining to limitations on construction and excavation near burial sites and established cemeteries in Title 13, section 1371-A and local ordinances and regulations adopted by municipalities in accordance with this section and section 3001 regarding those limitations.

See title page for effective date.

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## CHAPTER 113

H.P. 469 - L.D. 620

### An Act Relating to Liquor Samples

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

**Sec. 1. 28-A MRSA §1504** is enacted to read:

**§1504. Samples of products**

A person licensed under section 1502 as a sales representative for a distilled spirits manufacturer or supplier may give a retail licensee samples of distilled spirits under the following conditions.

**1. Invoice required.** The distilled spirits must be accompanied by an invoice.

**2. Product registered.** The distilled spirits must be listed by the commission for sale in this State and clearly labeled as a sample.

**3. Taxes paid.** Taxes must be paid on each item and the distilled spirits must be purchased from the State's wholesale liquor provider.

**4. Sampling record.** The sales representative who provides the sample shall maintain a log stating the names of the retail licensees who sampled the distilled spirits and the amount sampled.

**5. Maximum sample.** The maximum amount of samples of distilled spirits given to a retail licensee by a sales representative may not exceed 3 liters per year per distiller represented by that sales representative, and samples may not exceed one liter.

**6. Samples removed.** Distilled spirits samples given to an off-premises retailer must be removed from the premises to be sampled.

**7. Records maintained.** Records of samples given or received under this section must be maintained for a 2-year period by the retail licensee giving or receiving samples.

See title page for effective date.

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## CHAPTER 114

H.P. 526 - L.D. 695

### An Act Concerning Applications Processed by the Maine Land Use Regulation Commission

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

**Whereas,** the provisions of this legislation must take effect immediately to provide the basis for a major substantive rule regarding the processing of applications by the Maine Land Use Regulation Commission; and

**Whereas,** the major substantive rule requires immediate enactment to record the Legislature's position on final adoption of the rule; 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 §685-B, sub-§2, ¶B,** as amended by PL 2005, c. 107, §1 and affected by §4, is further amended to read:

B. The fee prescribed by the commission rules, that fee to be a minimum of \$50 but no greater than 1/4 of 1% of the total development costs, ~~except that the fee for subdivision applications is \$300 per lot. Zoning petitions submitted by other than a state or federal agency range from \$50 to \$500 depending on size and complexity.~~ The fees apply to all amendments except for minor changes to building permits. In addition to the fee paid in accordance with this paragraph, the director of the Maine Land Use Regulation Commission may assess a processing fee on applications for extraordinary projects in accordance with section 685-F;

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

Effective May 14, 2007.

## CHAPTER 115

### H.P. 640 - L.D. 841

#### An Act To Extend Health Insurance Coverage for Dependent Children up to 25 Years of Age

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

**Sec. 1. 24-A MRSA §2742-B** is enacted to read:

#### **§2742-B. Mandatory offer to extend coverage for dependent children up to 25 years of age**

**1. Dependent child; definition.** As used in this section, "dependent child" means the child of a person covered under an individual health insurance policy when that child:

- A. Is unmarried;
- B. Has no dependent of the child's own;
- C. Is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education; and
- D. Is not provided coverage under any other individual or group health insurance policy or health maintenance organization contract or under a federal or state government program.

**2. Offer to extend coverage.** Notwithstanding section 2703, subsection 3, an individual health insurance policy that provides coverage for a dependent child must offer to extend coverage, at the option of the policyholder, until the dependent child is 25 years of age. An insurer may require, as a condition of eligibility for continued coverage in accordance with this section, that a covered person seeking continued cov-

erage for a dependent child provide written documentation on an annual basis that the dependent child meets or continues to meet the requirements in subsection 1.

**Sec. 2. 24-A MRSA §2833-B** is enacted to read:

#### **§2833-B. Mandatory offer to extend coverage for dependent children up to 25 years of age**

**1. Dependent child; definition.** As used in this section, "dependent child" means the child of a person covered under a group health insurance policy when that child:

- A. Is unmarried;
- B. Has no dependent of the child's own;
- C. Is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education; and
- D. Is not provided coverage under any other individual or group health insurance policy or health maintenance organization contract or under a federal or state government program.

**2. Offer to extend coverage.** Notwithstanding section 2822, a group health insurance policy that provides coverage for a dependent child must offer to extend coverage, at the option of the policyholder, until the dependent child is 25 years of age. An insurer may require, as a condition of eligibility for continued coverage in accordance with this section, that a covered person seeking continued coverage for a dependent child provide written documentation on an annual basis that the dependent child meets or continues to meet the requirements in subsection 1.

**Sec. 3. 24-A MRSA §4233-A**, as enacted by PL 2005, c. 532, §3, is amended to read:

#### **§4233-A. Extension of coverage for dependent children**

An individual or group health maintenance organization contract that provides coverage for a dependent child at certain ages only if the child is a student must continue that coverage if the child is unable to remain enrolled in school on a full-time basis due to a mental or physical illness or an accidental injury. This coverage may be terminated at the age at which coverage for students terminates under the terms of the contract. ~~An insurer~~ A health maintenance organization may require, as a condition of eligibility for continued coverage in accordance with this section, that the student provide written documentation from a health care provider and the student's school that the student is no longer enrolled in school on a full-time basis due to a mental or physical illness or accidental injury.