

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

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Penmor Lithographers
Lewiston, Maine
2007

**CHAPTER 153
H.P. 93 - L.D. 101**

**An Act To Enhance Screening
for Breast Cancer**

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

Sec. 1. 24-A MRSA §2745-A, sub-§1, as enacted by PL 1989, c. 875, Pt. I, §3, is amended to read:

1. Definition. For purposes of this section, "screening mammogram" means a radiologic procedure that is provided to an asymptomatic woman for the purpose of early detection of breast cancer and that consists of 2 radiographic views per breast. A screening mammogram also includes an additional radiologic procedure recommended by a provider when the results of an initial radiologic procedure are not definitive.

Sec. 2. 24-A MRSA §2837-A, sub-§1, as enacted by PL 1989, c. 875, Pt. I, §6, is amended to read:

1. Definition. For purposes of this section, "screening mammogram" means a radiologic procedure that is provided to an asymptomatic woman for the purpose of early detection of breast cancer and that consists of 2 radiographic views per breast. A screening mammogram also includes an additional radiologic procedure recommended by a provider when the results of an initial radiologic procedure are not definitive.

Sec. 3. 24-A MRSA §4237-A, sub-§1, as enacted by PL 1997, c. 408, §7 and affected by §8, is amended to read:

1. Definition. For purposes of this section, "screening mammogram" means a radiologic procedure that is provided to an asymptomatic woman for the purpose of early detection of breast cancer and that consists of 2 radiographic views per breast. A screening mammogram also includes an additional radiologic procedure recommended by a provider when the results of an initial radiologic procedure are not definitive.

Sec. 4. Exemption from review. Notwithstanding the Maine Revised Statutes, Title 24-A, section 2752, this Act is enacted without review and evaluation by the Department of Professional and Financial Regulation, Bureau of Insurance.

Sec. 5. Application. The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2008. For purposes of this Act, all contracts are deemed to be

renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

**CHAPTER 154
S.P. 134 - L.D. 433**

**An Act To Amend the Bond
Requirements for Estates of
Decedents**

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

Sec. 1. 36 MRSA §4079, as amended by PL 1981, c. 706, §31, is further amended to read:

§4079. Civil action by State; bond

Personal representatives are liable to the State on their administration bonds for all taxes assessable under this chapter and interest on those taxes. Whenever no administration bond is otherwise required, and except as otherwise provided in this section, the Judge of Probate, notwithstanding any ~~provisions~~ provision of Title 18-A, ~~sections 3-603 to 3-606~~, may and, unless he finds that any estate tax due and to become due the State is reasonably secured by the lien upon real estate as provided in this chapter, shall require a bond payable to ~~him~~ the judge or his the judge's successor sufficient to secure the payment of all estate taxes and interest conditioned in substance to pay all estate taxes due to the State from the estate of the deceased with interest thereon. A bond to secure the payment of estate taxes is not required when the Judge of Probate finds that any estate tax due and to become due the State is reasonably secured by the lien upon real estate as provided in this chapter or by any other adequate security. An action for the recovery of estate taxes and interest ~~shall lie~~ lies on either of the bonds.

See title page for effective date.

**CHAPTER 155
S.P. 360 - L.D. 1108**

**An Act To Change the
Calculation of the Municipal
Rate of Growth Ordinance
Limit**

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

Sec. 1. 30-A MRSA §4360, sub-§3, ¶B, as enacted by PL 2005, c. 597, §3 and affected by §4, is amended to read:

B. The ordinance sets the number of building or development permits, not including permits for affordable housing, at 105% or more of the mean number of permits issued within the municipality during the 10 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued, excluding permits issued for affordable housing, for each year in the prior 10 years and then dividing by 10;

See title page for effective date.

**CHAPTER 156
S.P. 67 - L.D. 184**

**An Act To Protect Children's
Health on School Grounds**

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

Sec. 1. 20-A MRSA §6662, sub-§3 is enacted to read:

3. Food and beverage advertising. Brand-specific advertising of food or beverages is prohibited in school buildings or on school grounds except for food and beverages meeting standards for sale or distribution on school grounds in accordance with rules adopted under subsection 2.

For the purposes of this subsection, "advertising" does not include advertising on broadcast media or in print media such as newspapers and magazines, clothing with brand images worn on school grounds or advertising on product packaging.

Sec. 2. 22 MRSA §1578-B, sub-§2, as enacted by PL 1987, c. 687, is amended to read:

2. Prohibition. Except as provided in ~~subsections subsection 3 and 4, no student or school employee is allowed to use tobacco use~~ in the buildings or on the grounds of any elementary or secondary school ~~while school is in session~~ is prohibited.

Sec. 3. 22 MRSA §1578-B, sub-§4, as amended by PL 1993, c. 342, §4 and affected by §9, is repealed.

Sec. 4. 22 MRSA §1578-B, sub-§5, as amended by PL 1993, c. 342, §4 and affected by §9, is repealed.

Sec. 5. Transition. When a school board and school employees have established a designated smoking area through collective bargaining in accordance with the Maine Revised Statutes, former Title 22, section 1578-B, subsection 4 and section 1580-A, subsection 3, use of tobacco may continue in that des-

ignated area until the effective date of the next contract negotiated after the effective date of this Act.

See title page for effective date.

**CHAPTER 157
S.P. 498 - L.D. 1420**

**An Act To Make Technical
Changes to the Definition of
"Coastal Area" and To Aid the
Implementation of the Taunton
Bay Resource Management
Plan**

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

Sec. 1. 12 MRSA §6171, sub-§5, as enacted by PL 1997, c. 123, §2, is amended to read:

5. Rules to limit taking of marine organisms. The commissioner may adopt rules that limit the taking of a marine organism for the purpose of protecting another marine organism. Rules adopted pursuant to this subsection are major substantive rules; pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A, except that rules adopted regarding the resource management plan of Taunton Bay are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 2. 38 MRSA §1802, sub-§1, as enacted by PL 1985, c. 794, Pt. A, §11, is amended to read:

1. Coastal area. The "coastal area" encompasses all coastal municipalities and unorganized townships on tidal waters and all coastal islands. The inland boundary of the coastal area is the inland line of coastal town lines and the seaward boundary is ~~the outer limit of the United States territorial sea~~ the 3-nautical-mile line as shown on the most recently published Federal Government nautical chart.

See title page for effective date.

**CHAPTER 158
S.P. 244 - L.D. 795**

**An Act Regarding the Solar
Energy Rebate Program**

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

Sec. 1. 35-A MRSA §3211-C, sub-§2, as amended by PL 2007, c. 29, §1, is further amended to read:

2. Solar energy rebate program. To the extent that funds are available in the fund established in sub-