

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

tation and final disposition of dead human bodies in the same manner as is required of the ~~town or city state registrar or municipal clerk, as specified by department rule. Permits may be issued by a subregistrar only when the town or city clerk or deputy clerk is not available.~~ The completed death certificate or report of death, upon which the permit is issued, together with a copy of the disposition of human remains permit must be forwarded to the ~~town~~ municipal clerk at the earliest opening of the municipal office after the date of issue, and all permits by whomsoever issued must be returned to the ~~town~~ municipal clerk as required by section 2843. The appointment of subregistrars must be made with reference to locality, so as to best suit the convenience of the inhabitants of the ~~town~~ municipality, and such annual appointment must be in writing and recorded in the office of the ~~town or city state registrar or municipal~~ clerk. The subregistrars in any ~~town~~ municipality hold office at the pleasure of the ~~town~~ state registrar or municipal clerk.

Sec. 31. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (FORMERLY DHS)**

Division of Data, Research and Vital Statistics Z037

Initiative: Allocates funds for program operating expenses.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$185,638
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$185,638

See title page for effective date.

CHAPTER 602

S.P. 698 - L.D. 1787

**An Act To Provide for
Legislative Review of Recently
Proposed Revisions to Certain
Rules Adopted Pursuant to the
Site Location of Development
Laws and the Storm Water
Management Laws**

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

Whereas, rulemaking relating to the site location of development laws and the storm water management laws is currently in progress and could be complete before this legislation goes into effect unless this legislation is enacted as an emergency; 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. 38 MRSA §420-D, sub-§9, as amended by PL 2005, c. 602, §4, is further amended to read:

9. Rules. Rules adopted pursuant to this section after January 1, 2010 and before January 1, 2012 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Any rules adopted by the department pursuant to this section on or after January 1, 2012 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that those rules that qualify as state mandates pursuant to the Constitution of Maine, Article IX, Section 21 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 38 MRSA §485-A, as amended by PL 2009, c. 293, §2, is further amended to read:

§485-A. Notification required; board action; administrative appeals

1. Application. Any person intending to construct or operate a development shall, before commencing construction or operation, notify the commissioner in writing of the intent, nature and location of the development, together with such other information as the board may by rule require. The department shall approve the proposed development, setting forth such terms and conditions as are appropriate and reasonable, disapprove the proposed development, setting forth the reasons for the disapproval, or schedule a hearing in the manner described in section 486-A.

1-A. Wood supply. For a new or expanded development requiring an annual supply of wood or wood-derived materials in excess of 150,000 tons green weight, the applicant shall submit a wood supply plan for informational purposes to the Maine Forest Service concurrent with the application required in subsection 1. The wood supply plan must include, but is not limited to, the following information:

- A. The expected operational life of the development;
- B. The projected annual wood consumption of wood mill residue, wood fiber and recycled mate-

rials from forest products during the entire operational life of the development;

C. The expected market area for wood supply necessary to supply the development; and

D. Other relevant wood supply information.

1-C. Long-term construction projects. The department shall adopt rules identifying requirements for a long-term construction project that allow approval of development within a specified area and within specified parameters such as maximum area and groundwater usage, although the specific nature and extent of the development or timing of construction may not be known at the time a permit for the long-term construction project is issued. The location and parameters of the development must meet the standards of this article. This subsection does not apply to metallic mineral mining or advanced exploration activities. ~~Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.~~

2. Hearing request. If the department has issued an order without a hearing regarding any person's development, that person may request, in writing, a hearing before the board within 30 days after notice of the department's decision. This request must set forth, in detail, the findings and conclusions of the department to which that person objects, the basis of the objections and the nature of the relief requested. Upon receipt of the request, the board shall schedule and hold a hearing limited to the matters set forth in the request. Hearings must be scheduled in accordance with section 486-A.

3. Failure to notify commissioner. The commissioner may, at any time with respect to any person who has commenced construction or operation of any development without having first notified the commissioner pursuant to this section, schedule and conduct a public hearing with respect to that development.

4. Permit display. A person issued a permit pursuant to this article for activities in a great pond watershed shall have a copy of the permit on site while work authorized by that permit is being conducted.

Sec. 3. 38 MRSA §489-E is enacted to read:

§489-E. Rulemaking

Except for rules adopted pursuant to section 488, subsections 14 and 18, rules adopted pursuant to this article by the department after January 1, 2010 and before January 1, 2012 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Any rules adopted by the department pursuant to this article on or after January 1, 2012 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 4. Rules. The Department of Environmental Protection shall submit any major substantive

rules provisionally adopted in 2010 pursuant to this Act to the joint standing committee of the 125th Legislature having jurisdiction over natural resources matters for review.

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

Effective April 2, 2010.

CHAPTER 603

H.P. 15 - L.D. 20

An Act To Require Insurance Companies To Cover the Cost of Prosthetics Containing Microprocessors

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

Sec. 1. 24-A MRSA §4315, sub-§6, as enacted by PL 2003, c. 459, §1 and affected by §2, is amended to read:

6. Exclusions. Coverage is not required pursuant to this section for a prosthetic device ~~that contains a microprocessor or~~ that is designed exclusively for athletic purposes.

Sec. 2. 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, 2011. 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 604

S.P. 627 - L.D. 1662

An Act To Improve Maine's Air Quality and Reduce Regional Haze at Acadia National Park and Other Federally Designated Class I Areas

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

Sec. 1. 38 MRSA §603-A, sub-§2, as amended by PL 2007, c. 95, §5, is further amended to read:

2. Prohibitions. Except as provided in subsections ~~4, 5~~ and ~~8~~ 9, ~~no~~ a person may not use any liquid