

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

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

Augusta, Maine
2018

**CHAPTER 342
S.P. 630 - L.D. 1731**

**An Act To Recognize the
Accreditation of Certain
Private Schools**

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

Sec. 1. 20-A MRSA §2901, sub-§2, ¶A, as amended by PL 2015, c. 40, §2, is further amended to read:

A. ~~A private school approved for tuition purposes that enrolls at least 60% publicly funded students that is currently~~ Currently accredited by a ~~commission on independent schools of a New England association of schools and colleges in fulfillment of its standards of accreditation and indicators and that also meets the applicable requirements of the system of learning results established in section 6209;~~ or

Sec. 2. 20-A MRSA §2951, sub-§6, as amended by PL 1997, c. 266, §8, is repealed and the following enacted in its place:

6. Student assessment. Meets the following requirements:

A. It participates in the statewide assessment program to measure and evaluate the academic achievements of students; and

B. It meets the applicable requirements of the system of learning results established in section 6209.

The requirements of this subsection apply only to a school that enrolls 60% or more publicly funded students, as determined by the previous year's October and April average enrollment; and

Sec. 3. 20-A MRSA §2951, sub-§7, as enacted by PL 1997, c. 266, §9, is amended to read:

7. Release of student records. Upon the request of a school unit, ~~release~~ releases copies of all student records for students transferring from the private school to the school unit.

See title page for effective date.

**CHAPTER 343
H.P. 1015 - L.D. 1476**

**An Act To Ensure Continued
Coverage for Essential Health
Care**

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

Sec. 1. 24-A MRSA §4320-A, as enacted by PL 2011, c. 364, §34, is amended to read:

§4320-A. Coverage of preventive health services

Notwithstanding any other requirements of this Title, a carrier offering a health plan ~~subject to the federal Affordable Care Act in this State~~ shall, at a minimum, provide coverage for and may not impose cost-sharing requirements for preventive services as required by ~~the federal Affordable Care Act~~ this section.

1. Preventive services. A health plan must, at a minimum, provide coverage for:

A. The evidence-based items or services that have a rating of A or B in the recommendations of the United States Preventive Services Task Force or equivalent rating from a successor organization;

B. With respect to the individual insured, immunizations that have a recommendation from the federal Department of Health and Human Services, Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices and that are consistent with the recommendations of the American Academy of Pediatrics, the American Academy of Family Physicians or the American College of Obstetricians and Gynecologists or a successor organization;

C. With respect to infants, children and adolescents, evidence-informed preventive care and screenings provided for in the most recent version of the comprehensive guidelines supported by the federal Department of Health and Human Services, Health Resources and Services Administration that are consistent with the recommendations of the American Academy of Pediatrics or a successor organization; and

D. With respect to women, such additional preventive care and screenings not described in paragraph A, provided for in the comprehensive guidelines supported by the federal Department of Health and Human Services, Health Resources and Services Administration women's preventive services guidelines that are consistent with the recommendations of the American College of Obstetricians and Gynecologists women's preventive services initiative.

2. Change in recommendations. If a recommendation described in subsection 1 is changed during a health plan year, a carrier is not required to make changes to that health plan during the plan year.

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, 2019. 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 344

H.P. 1011 - L.D. 1472

**An Act To Lower the Costs of
Broadband Service by
Coordinating the Installation
of Broadband Infrastructure**

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

Sec. 1. 35-A MRSA §2503, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

2. Notice. The applicant may give public notice of the application by publishing its description of the proposed facility once in a newspaper circulated in the municipality or municipalities encompassing the limits of the proposed location. The applicant shall send a copy of any application filed with the Department of Transportation to the municipal clerk of each municipality in which the facilities are located, or to the clerk of the county commissioners in the case of facilities within an unorganized township, except that the applicant may, without publication of its application, place its facility described in its application on receipt of a permit from the licensing authority as may be otherwise provided. If a proposed facility is located underground and is in excess of 500 feet in length, the applicant shall, within 5 business days of submitting an application to the applicable licensing authority, provide the ConnectME Authority established in Title 5, section 12004-G, subsection 33-F a notice that includes a description and the location of the proposed facility.

Sec. 2. 35-A MRSA §9204-A, sub-§6-A is enacted to read:

6-A. Notice of construction. The authority shall disseminate information about a proposed underground facility that it receives in accordance with section 2503, subsection 2 in a manner that is accessible to all parties that may be interested in installing a broadband conduit in the area of the proposed underground facility.

See title page for effective date.

CHAPTER 345

H.P. 1092 - L.D. 1588

**An Act To Maintain Access to
Property on Discontinued
Roads**

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

Sec. 1. 23 MRSA §3026-A, sub-§1, as enacted by PL 2015, c. 464, §5, is amended to read:

1. Notification of discontinuance to abutting property owners. The municipal officers shall give best practicable notice to all abutting property owners of a proposed discontinuance of a town way or public easement. ~~As used in this subsection, "best practicable notice" means, at minimum, the mailing by the United States Postal Service, postage prepaid, first class, of notice to abutting property owners whose addresses appear in the assessment records of the municipality.~~

A. For a proposed discontinuance of a town way, the notice must include information regarding the potential discontinuance or retention of a public easement, including maintenance obligations for and the right of access to the way under the discontinuance or retention of a public easement, and information regarding the rights of abutting property owners to enter into agreements regarding maintenance of and access to the discontinued way.

B. For a proposed discontinuance of a town way that is abutted by property not otherwise accessible by a public way, the notice must include information, in addition to the information required in paragraph A, regarding the right of abutting property owners to create private easements and the municipal requirements under subsection 1-A.

Paragraphs A and B apply to town ways that are not discontinued as of October 1, 2018.

As used in this subsection, "best practicable notice" means, at minimum, the mailing by the United States Postal Service, postage prepaid, first class, of notice to abutting property owners whose addresses appear in the assessment records of the municipality.

Sec. 2. 23 MRSA §3026-A, sub-§1-A is enacted to read:

1-A. Discontinuance after October 1, 2018 of a town way with abutting property not otherwise accessible. A municipality may not discontinue a town way that is not discontinued as of October 1, 2018 pursuant to this section if that town way is abutted by property not otherwise accessible by a public way, unless the municipal officers have complied with this subsection.