

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

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

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**Augusta, Maine**  
**2019**

forwarded to that clerk's office for use in a hearing on the complaint for protection from abuse or complaint for protection from harassment. At its discretion, the court presiding over the action may permit the parties to the action, and their attorneys if the parties are represented, to access the recordings and, on a finding of good cause, may permit copies of the recordings to be provided to the parties and their attorneys if the parties are represented. In making a request for recordings pursuant to this paragraph, the party making the request, or that party's attorney, shall provide to the custodian of the audio recordings the names of the parties to the protection from abuse or protection from harassment action, the name of the court presiding over the action and the docket number of the action. The request must be made in writing, including, but not limited to, by electronic mail, and must be made so as to provide a reasonable amount of time for the custodian to search for, retrieve and send the recordings to the clerk's office of the presiding court. The recordings must be sent in a format used by the custodian of the recordings and the courts;

See title page for effective date.

**CHAPTER 85**

**H.P. 397 - L.D. 540**

**An Act Regarding  
Qualifications for District  
Attorneys**

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

**Sec. 1. 30-A MRSA §251, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; c. 104, Pt. C, §§8 and 10, is further amended to read:

**2. Qualifications.** Only attorneys admitted to the general practice of law in this an attorney who is a member in good standing of the bar of the State and who reside resides in the prosecutorial district may be elected or appointed district attorney. Removal from the prosecutorial district or disbarment or suspension from the practice of law vacates the office. For purposes of this subsection, a person is a "member in good standing of the bar of the State" if that person is admitted to the practice of law in this State, is presently registered with the Board of Overseers of the Bar as an active practitioner and is not currently disbarred or suspended from practice in this State pursuant to Title 4, chapter 17, subchapter 2 or the Maine Bar Rules.

See title page for effective date.

**CHAPTER 86**

**S.P. 177 - L.D. 555**

**An Act To Reduce Colorectal  
Cancer Incidence and  
Mortality by Updating  
Screening Coverage**

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

**Sec. 1. 24-A MRSA §2763, sub-§1**, as enacted by PL 2007, c. 516, §2 and affected by §5, is amended to read:

**1. Colorectal cancer screening.** For the purposes of this section, "colorectal cancer screening" means ~~a all~~ colorectal cancer ~~examination~~ examinations and laboratory ~~test~~ tests recommended by a health care provider in accordance with the most recently published colorectal cancer screening guidelines of a national cancer society.

**Sec. 2. 24-A MRSA §2763, sub-§2, ¶A**, as enacted by PL 2007, c. 516, §2 and affected by §5, is amended to read:

~~A. Fifty years of age or older~~ At average risk for colorectal cancer according to the most recently published colorectal cancer screening guidelines of a national cancer society; or

**Sec. 3. 24-A MRSA §2763, sub-§2, ¶B**, as enacted by PL 2007, c. 516, §2 and affected by §5, is amended to read:

~~B. Less than 50 years of age and at~~ At high risk for colorectal cancer according to the most recently published colorectal cancer screening guidelines of a national cancer society.

**Sec. 4. 24-A MRSA §2847-N, sub-§1**, as enacted by PL 2007, c. 516, §3 and affected by §5, is amended to read:

**1. Colorectal cancer screening.** For the purposes of this section, "colorectal cancer screening" means ~~a all~~ colorectal cancer ~~examination~~ examinations and laboratory ~~test~~ tests recommended by a health care provider in accordance with the most recently published colorectal cancer screening guidelines of a national cancer society.

**Sec. 5. 24-A MRSA §2847-N, sub-§2, ¶A**, as enacted by PL 2007, c. 516, §3 and affected by §5, is amended to read:

~~A. Fifty years of age or older~~ At average risk for colorectal cancer according to the most recently published colorectal cancer screening guidelines of a national cancer society; or

**Sec. 6. 24-A MRSA §2847-N, sub-§2, ¶B**, as enacted by PL 2007, c. 516, §3 and affected by §5, is amended to read:

~~B. Less than 50 years of age and at~~ At high risk for colorectal cancer ~~according to the most recently published colorectal cancer screening guidelines of a national cancer society.~~

**Sec. 7. 24-A MRSA §4254, sub-§1**, as enacted by PL 2007, c. 516, §4 and affected by §5, is amended to read:

**1. Colorectal cancer screening.** For the purposes of this section, "colorectal cancer screening" means a all colorectal cancer ~~examination~~ examinations and laboratory ~~test~~ tests recommended by a health care provider in accordance with the most recently published colorectal cancer screening guidelines of a national cancer society.

**Sec. 8. 24-A MRSA §4254, sub-§2, ¶A**, as enacted by PL 2007, c. 516, §4 and affected by §5, is amended to read:

~~A. Fifty years of age or older~~ At average risk for colorectal cancer according to the most recently published colorectal cancer screening guidelines of a national cancer society; or

**Sec. 9. 24-A MRSA §4254, sub-§2, ¶B**, as enacted by PL 2007, c. 516, §4 and affected by §5, is amended to read:

~~B. Less than 50 years of age and at~~ At high risk for colorectal cancer ~~according to the most recently published colorectal cancer screening guidelines of a national cancer society.~~

**Sec. 10. 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, 2020. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

**Sec. 11. 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.

See title page for effective date.

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**CHAPTER 87**

**H.P. 494 - L.D. 673**

**An Act To Amend the Laws  
Governing the Circumstances  
of Death That Must Be  
Reported to the Office of Chief  
Medical Examiner**

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

**Sec. 1. 22 MRSA §3025, sub-§1**, as amended by PL 2011, c. 420, Pt. D, §2 and affected by §6, is further amended to read:

**1. Circumstances of death that must be reported.** A medical examiner case may exist and must be reported as provided in section 3026 when remains are found that may be human and raise suspicion that death has occurred under any of the following circumstances:

A. Death is suspected of having been caused by any type of physical injury, including poisoning, regardless of whether the suspected manner of death is homicide, suicide or accident. This circumstance must be reported irrespective of whether the deceased had been attended by a physician, was a patient in a hospital, survived for a considerable time following the physical injury or died from terminal natural causes consequent to and following the physical injury;

B. Suddenly when the person is in apparent good health and has no specific natural disease sufficient to explain death;

C. During diagnostic or therapeutic procedures under circumstances indicating gross negligence or when clearly due to trauma or poisoning unrelated to the ordinary risks of those procedures;

D. Death when the person is in custody pursuant to an arrest, confined in a state correctional or detention facility, county jail, other county correctional or detention facility or local lockup or is on the way to or from a courthouse or any of these places while in the custody of a law enforcement officer or county or state corrections official;

E. Death while the person is a patient or resident of a facility of the Department of Health and Human Services or residential care facility maintained or licensed by the Department of Health and Human Services, unless clearly certifiable by an attending physician as due to specific natural causes;

F. Death suspected of being due to a threat to the public health when the authority of the medical examiner is needed to adequately study the case for the protection of the public health;

G. Death suspected of not having been certified, including, but not limited to, bodies brought into the State and any buried remains uncovered other than by legal exhumation;

H. Deaths suspected of being medical examiner cases which may have been improperly certified or inadequately examined, including, but not limited to, bodies brought into the State under those circumstances;