

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2015

gram and the financial incentive provided pursuant to ~~paragraphs paragraph E and F;~~

(4) ~~An accounting of the administrative costs incurred in the course of administering the collection and recycling program and the financial incentive plan developed pursuant to subsection 4;~~

(5) A description of the education and outreach strategies employed during the previous calendar year to increase participation and collection rates and examples of education and outreach materials used; and

(6) Modifications that the manufacturer is proposing to make in its collection and recycling program; and

Sec. 5. 38 MRSA §1665-B, sub-§4, as enacted by PL 2005, c. 558, §1, is amended to read:

4. Financial incentive plan. The department shall develop a manufacturer financial incentive plan in 2 phases. By January 1, 2007, the department shall develop phase one of the plan, which must address collection of mercury-added thermostats from contractors and service technicians. By August 1, 2007, the department shall develop phase 2 of the plan, which must address collection of mercury-added thermostats from homeowners. The plan must be developed in consultation with a stakeholder group that includes representatives from the thermostat industry, environmental groups, thermostat wholesalers and service contractors. The plan must be developed in a manner that ensures to the maximum extent practical that:

A. The capture rate of out-of-service mercury-added thermostats is maximized;

B. Adequate incentives and education are provided to contractors, service technicians and homeowners to encourage return of thermostats to established recycling collection points;

C. Administrative costs of the plan are minimized;

D. The plan encourages the purchase of nonmercury thermostats qualified by the United States Environmental Protection Agency's Energy Star program as replacements for mercury-added thermostats; and

E. Mechanisms are in place to protect against the fraudulent return of thermostats.

The plan must include a requirement that manufacturers provide a financial incentive with a minimum value of \$5 for the return of each mercury-added thermostat to an established recycling collection point in accordance with subsection 2, ~~paragraphs paragraph E and F~~. The financial incentive may include, without limitation, cash, rebates, discounts, coupons or other incentives.

Sec. 6. Department of Environmental Protection; review of financial incentive plan. The Department of Environmental Protection shall review the financial incentive plan established under the Maine Revised Statutes, Title 38, section 1665-B, subsection 4 and, by February 15, 2016, shall submit a report to the Joint Standing Committee on Environment and Natural Resources that contains, at a minimum, the following recommendations and, where applicable, corresponding implementing legislation:

1. Recommendations regarding reduction of the complexity and costs of the manufacturer thermostat collection and recycling program established pursuant to Title 38, section 1665-B, subsection 2;

2. Recommendations regarding improving the effectiveness of the manufacturer thermostat collection and recycling program, including changes in the mechanism for manufacturer payment of the financial incentive, the form of the financial incentive payment and the roles and responsibility of each participant in the program; and

3. Recommendations regarding the continuation of the thermostat disposal ban under Title 38, section 1663.

The department may include the report required under this section in the report required pursuant to Title 38, section 1772, subsection 1.

See title page for effective date.

CHAPTER 84

S.P. 58 - L.D. 124

An Act To Require Payment by a Carrier for Health Care Services Provided to Enrollees of the Carrier

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

Sec. 1. 24-A MRSA §4303, sub-§2, as amended by PL 2013, c. 383, §4, is further amended to read:

2. Credentialing. The ~~credentialling credentialing~~ of providers by a carrier is governed by this subsection.

A. The granting of credentials must be based on objective standards that are available to providers upon application for ~~credentialling credentialing~~. A carrier shall consult with appropriately qualified health care professionals in developing its ~~credentialling credentialing~~ standards.

B. All ~~credentialling credentialing~~ decisions, including those granting, denying or withdrawing

credentials, must be in writing. The provider must be provided with all reasons for the denial of an application for ~~credentialling~~ credentialing or the withdrawal of credentials. A withdrawal of credentials must be treated as a provider termination and is subject to the requirements of subsection 3-A.

C. A carrier shall establish and maintain an appeal procedure, including the provider's right to a hearing, for dealing with provider concerns relating to the denial of ~~credentialling~~ credentialing for not meeting the objective ~~credentialling~~ credentialing standards of the plan and the contractual relationship between the carrier and the provider. The superintendent shall determine whether the process provided by a carrier is fair and reasonable. This procedure must be specified in every contract between a carrier and a provider or between a carrier and a provider network if a carrier does not contract with providers individually.

D. A carrier shall make ~~credentialling~~ credentialing decisions, including those granting or denying credentials, within 60 days of receipt of a completed ~~credentialling~~ credentialing application from a provider. The time period for granting or denying credentials may be extended upon written notification from the carrier within 60 days following submission of a completed application stating that information contained in the application requires additional time for verification. All ~~credentialling~~ credentialing decisions must be made within 180 days of receipt of a completed application. For the purposes of this paragraph, an application is completed if the application includes all of the information required by the uniform ~~credentialling~~ credentialing application used by carriers and providers in this State, such as attachments to that application as required by the carrier at the time of application and all corrections required by the carrier. A carrier shall review the entire application before returning it to the provider for corrections with a comprehensive list of all corrections needed at the time the application is first returned to the provider. A carrier may not require that a provider have a home address within the State before accepting an application.

Sec. 2. 24-A MRSA §4303, sub-§2-A is enacted to read:

2-A. Payment to provider for services rendered during pendency of credentialing. A carrier offering or renewing a health plan in the State shall pay claims for services rendered to an enrollee by a provider prior to credentials being granted from the date a complete application for credentialing is submitted to the carrier as long as credentials are granted to that provider by the carrier in accordance with the

requirements of subsection 2. A provider intending to submit a claim pursuant to this subsection may not submit the claim until the provider has been notified by the carrier whether the provider has been credentialed and of the effective date of any credentials. If a claim is submitted prior to the date credentials are granted, the carrier may process that claim in the same manner as a claim submitted by a provider that has not been credentialed.

See title page for effective date.

CHAPTER 85

S.P. 125 - L.D. 310

An Act To Prevent Organized Retail Crime

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

Sec. 1. 17 MRSA §3521, as amended by PL 2005, c. 199, §2, is repealed and the following enacted in its place:

§3521. Detention of certain persons suspected of stealing

1. Suspected stealing from a store. A store owner, manager or supervisor, or that person's designee, may detain on the premises in a reasonable manner and for a period of time not to exceed 1/2 hour any person as to whom there is probable cause to believe is unlawfully concealing merchandise or is committing theft of merchandise. The permitted purposes of detention are to require the person being detained to provide identification, to verify the identification, to inform a law enforcement officer of the detention and to surrender that person to the officer, to take possession of and hold stolen merchandise pending arrival of law enforcement and, when the detained person is a minor, to inform a law enforcement officer or a parent or guardian of the minor of the detention and to surrender the minor to the person so informed.

2. Suspected stealing from a motion picture theater. A motion picture theater owner, manager or supervisor, or that person's designee, may detain on the premises in a reasonable manner and for a period of time not to exceed 1/2 hour any person as to whom there is probable cause to believe is unlawfully operating an audiovisual or audio recording function of any device in the motion picture theater while a motion picture is being exhibited. The permitted purposes of detention are to require the person being detained to provide identification, to verify the identification, to inform a law enforcement officer of the detention and to surrender that person to the officer, to take possession of and hold recordings and related equipment pending arrival of law enforcement and, when the de-