

# 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**

**CHAPTER 442  
H.P. 1194 - L.D. 1714**

**An Act To Clarify Liability  
Pertaining to the Collection of  
Debts of MaineCare Providers  
by the Department of Health  
and Human Services**

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

**Whereas,** the Department of Health and Human Services amended its rules governing the MaineCare program to provide that anyone with a direct or indirect "ownership interest" of any size in a MaineCare provider, and every officer, director or member of a MaineCare provider, is personally liable for the provider's debts owed to the department; and

**Whereas,** the rule amendment contravenes a foundational principle of our political and economic system assuring that a provider organization's members, directors and, if applicable, shareholders are protected from the organization's liabilities except in extraordinary circumstances; and

**Whereas,** the imposition of personal liability for a provider organization's debts on employees, officers, directors, members and shareholders will disruptively alter established insurance risks, financial arrangements and investor and creditor expectations and may deter qualified persons from serving in positions of trust or responsibility in nonprofit or for-profit organizations that deliver health care to Maine people; 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. 22 MRSA §1714-A, sub-§5,** as amended by PL 2003, c. 419, §5, is further amended to read:

**5. Department may offset.** The department may offset against current reimbursement owed to a provider or any entity related by ownership or control to that provider any debt it is owed by that provider after the debt becomes collectible. The department shall adopt rules that implement this subsection and define the ownership or control relationships that are subject to an offset under this subsection, except that the department may not define any ownership or control relationship as subject to an offset unless the relation-

ship allows the person whose relationship is the subject of the offset to control at least the number of votes of the provider's governing body or management that is needed to govern the operations of the provider. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 22 MRSA §1714-A, sub-§10** is enacted to read:

**10. No imposition of liability on other persons.** The department may not by any means, including without limitation any rule or any contract or agreement with a provider, impose liability for a debt under this section on any person other than the provider notified of the debt pursuant to subsection 2 or a person subject to collection by offset pursuant to rules adopted under subsection 5. This subsection does not prohibit the department from seeking recovery of civil penalties from any person as provided in section 15.

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

Effective July 4, 2019.

**CHAPTER 443  
S.P. 695 - L.D. 1842**

**An Act To Require Education  
and Training Regarding  
Harassment for Legislators,  
Legislative Staff and Lobbyists**

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

**Sec. 1. 3 MRSA §170-B** is enacted to read:

**§170-B. Required training regarding harassment**

All Legislators, legislative staff and lobbyists shall attend and complete a course of in-person education and training regarding harassment, including sexual harassment, at the beginning of each regular session of the Legislature. The Legislative Council shall develop and implement this course of education and training. For the purpose of this section, "lobbyist" has the same meaning as in section 312-A, subsection 10.

**Sec. 2. 3 MRSA §312-B** is enacted to read:

**§312-B. Required training regarding harassment**

A lobbyist shall complete the training required under section 170-B, retain proof of completion of the training for 2 years following completion and certify completion of that training to the commission at the time of registration under section 313. If completion of the required training prior to registration is not pos-