

# 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**

**Sec. 1. 24-A MRSA §4301-A, sub-§4,** as enacted by PL 1999, c. 742, §3, is amended to read:

**4. Clinical peer.** "Clinical peer" means a physician or other licensed health care practitioner who holds a nonrestricted license in a state of the United States, is board certified in the same or similar specialty as typically manages the medical condition, procedure or treatment under review, or other physician or health care practitioner with demonstrable expertise necessary to review a case and whose compensation does not depend, directly or indirectly, upon the quantity, type or cost of the medical condition, procedure or treatment that the physician or other licensed health care practitioner approves or denies on behalf of a carrier.

**Sec. 2. 24-A MRSA §4304, sub-§7** is enacted to read:

**7. Requirements for an appeal of adverse health care treatment decision.** An appeal of a carrier's adverse health care treatment decision must be conducted by a clinical peer. The clinical peer may not have been involved in making the initial adverse health care treatment decision unless additional information not previously considered during the initial review is provided on appeal. For the purposes of this subsection, "adverse health care treatment decision" does not include a carrier's rescission determination or a carrier's determination of initial coverage eligibility for coverage.

**Sec. 3. Rules.** Notwithstanding the Maine Revised Statutes, Title 24-A, section 4309, any rules adopted by the Bureau of Insurance to conform as necessary to this Act are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 172  
H.P. 802 - L.D. 1079**

**An Act To Authorize Public Schools To Periodically Test for Radon**

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

**Sec. 1. 20-A MRSA §4013** is enacted to read:

**§4013. Radon**

**1. Testing.** A school administrative unit may hire a person registered with the division of environmental health within the Department of Health and Human Services under the Radon Registration Act to test an occupied elementary school, secondary school or other building of the school administrative unit every 5 years for radon. The method of testing must be

consistent with testing standards established in rules adopted by the Department of Health and Human Services. The school administrative unit shall maintain, make available for review and notify parents, faculty and staff of test results under this subsection. The school administrative unit shall report radon test results to the Department of Education and the Department of Health and Human Services. No later than October 1, 2025, and every 5 years thereafter, the Department of Health and Human Services shall submit a report of the test results from all school administrative units to the Legislature and the Governor.

**2. Funding.** When funds are available, the department shall disburse money to school administrative units to use for radon testing. The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. New schools.** A school administrative unit, when building a new elementary school, secondary school or other building, shall use radon-resistant new construction techniques consistent with rules adopted by the Department of Health and Human Services.

See title page for effective date.

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**CHAPTER 173  
H.P. 1106 - L.D. 1513**

**An Act To Amend the Date by Which an Applicant for Funds under the Local Road Assistance Program Must Provide Certification to the Department of Transportation**

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

**Sec. 1. 23 MRSA §1804,** as amended by PL 2011, c. 652, §8 and affected by §14, is further amended to read:

**§1804. Municipal, county or Indian reservation requirements**

To be eligible to receive funds from the Local Road Assistance Program, each municipality, county or Indian reservation shall, prior to ~~August 1st~~ November 1st each year, certify in a manner acceptable to the department that the funds are used in a manner consistent with this chapter.

See title page for effective date.