

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.

Augusta, Maine
2019

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$84,351	\$104,039
DEPARTMENT TOTAL - ALL FUNDS	\$84,351	\$104,039
SECTION TOTALS		
OTHER SPECIAL REVENUE FUNDS	\$618,636	\$717,076
SECTION TOTAL - ALL FUNDS	\$618,636	\$717,076

See title page for effective date.

CHAPTER 265
S.P. 104 - L.D. 364

An Act To Establish the Right To Practice Complementary and Alternative Health Care Act

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

Sec. 1. 32 MRSA c. 113-B, sub-c. 5 is enacted to read:

SUBCHAPTER 5
COMPLEMENTARY AND ALTERNATIVE HEALTH CARE

§12601. Short title

This subchapter may be known and cited as "the Right To Practice Complementary and Alternative Health Care Act."

§12602. License not required

A person who provides complementary or alternative health care services in accordance with this subchapter but who is not licensed, certified or registered in this State as a health care professional or practitioner under this Title does not violate any law relating to the licensing of health care professionals under this Title as long as the person complies with the requirements of this subchapter.

1. Prohibited acts. A person providing complementary or alternative health care services under this subchapter may not engage in any of the following activities:

A. Performing surgery, setting fractures or performing any other procedure on a person that punctures the skin;

B. Administering or prescribing radiation, including x-ray radiation;

C. Prescribing or administering medications, drugs or devices that require a prescription from a licensed health care professional;

D. Recommending the discontinuance of medications or drugs or the use of devices prescribed by a licensed health care professional;

E. Performing chiropractic adjustment of joints or spine; or

F. Acting in any way that suggests, advertises or implies that the person providing complementary or alternative health care services is licensed as a health care professional under any other chapter of this Title.

2. Required disclosures. A person who provides complementary or alternative health care services under this subchapter and is advertising or charging a fee for those services shall, prior to providing services, disclose the following in writing to the person receiving services:

A. The name, business address and telephone number of the person providing complementary or alternative health care services;

B. The fact that the person providing complementary or alternative health care services is not a licensed health care professional;

C. The nature of the complementary or alternative health care services to be provided; and

D. The degrees, training, experience, credentials or other qualifications of the person providing complementary or alternative health care services.

A written copy of the disclosures required under this subsection must be posted in a prominent location on the premises where the complementary or alternative health care services are being provided.

3. Acknowledgment required. Prior to providing complementary or alternative health care services to another person for the first time, the person providing services shall obtain a written, signed statement that the disclosures required in subsection 2 have been provided and understood. The written, signed statement must be retained for 2 years by the person providing the complementary or alternative health care services.

4. Relief. This subchapter does not limit the right of any person to seek relief for negligence or other civil remedy against a person providing complementary or alternative health care services subject to this subchapter.

5. Scope of practice. This subchapter does not affect the scope of practice of a health care professional licensed under this Title.

This subchapter may not be construed to prevent a person from providing complementary or alternative health care services that would otherwise be exempt under this Title. This subchapter may not be construed to require a person to be licensed to provide services that would be exempt under this Title.

See title page for effective date.

CHAPTER 266

H.P. 443 - L.D. 615

An Act To Protect the Integrity of the MaineCare Program

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

Sec. 1. 22 MRSA §3174-Q, as amended by PL 2009, c. 571, Pt. PPP, §1, is repealed and the following enacted in its place:

§3174-Q. Medicaid stability

1. Legislative authorization. Except as provided in subsection 2, the department, in its administration of the Medicaid program and the federal State Children's Health Insurance Program or any successor program, shall obtain authorization from the Legislature by proper enactment of law before:

A. Implementing changes in eligibility for the Medicaid program that are reasonably likely to cause a decrease in excess of 10% in the percentages of enrollment in any covered group during any year or over any 5-year period unless individuals losing eligibility in a covered group are eligible in any other covered group with substantially similar or greater coverage;

B. Eliminating, having the effect of significantly limiting or significantly reducing eligibility for a category of service covered under the Medicaid program or the federal State Children's Health Insurance Program without comparable service provided in its place;

C. Accepting a block grant or any other fundamental alteration in the method of federal funding for the Medicaid program that could result in a substantial decrease in total funding for the program; or

D. Applying for or amending a waiver, including a waiver pursuant to Section 1115 of the Social Security Act, or adopting a state plan amendment that could significantly reduce the scope of services of or eligibility for the Medicaid program or the federal State Children's Health Insurance Program.

2. Exceptions in the event of federal law changes. If an action must be taken by the department to comply with federal law and obtaining authorization from the Legislature cannot be achieved timely to comply with federal requirements, the department may act only to the extent necessary to achieve compliance with federal law, pending further action of the Legislature under this section.

3. Failure to comply. A person may not be denied eligibility for the Medicaid program or the federal State Children's Health Insurance Program as the result of a change to those programs as described in subsections 1 and 2 if the department failed to comply with this section.

See title page for effective date.

CHAPTER 267

H.P. 518 - L.D. 713

An Act To Strengthen Maine's Endangered Species Laws

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

Sec. 1. 12 MRSA §12808, sub-§1, as amended by PL 2015, c. 423, §1, is further amended to read:

1. Prohibited acts regarding endangered or threatened species; negligence. Except as provided in section 12808-A, a person may not negligently:

A. Import into the State or export out of the State any endangered or threatened species. A person who violates this paragraph commits a Class E crime, for which a fine of \$1,000 must be adjudged, none of which may be suspended;

B. Hunt, take, trap, harass or possess any endangered or threatened species within the State. A person who violates this paragraph commits a Class E crime, for which a fine of \$1,000 must be adjudged, none of which may be suspended;

C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. A person who violates this paragraph commits a Class E crime, for which a fine of \$1,000 must be adjudged, none of which may be suspended; or