

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

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 PPP, §1, is repealed and the following enacted in its place: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

D. Feed or, set bait for ~~or harass~~ any endangered or threatened species. ~~A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time. A person who violates this paragraph after having previously been given a warning under this paragraph commits a Class E crime for which a fine of \$1,000 must be adjudged, none of which may be suspended.~~

Sec. 2. 12 MRSA §12808, sub-§1-A, as amended by PL 2015, c. 423, §1, is further amended to read:

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

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 D crime, for which a fine of \$2,000 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 D crime, for which a fine of \$2,000 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 D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended; or

D. Feed or, set bait for ~~or harass~~ any endangered or threatened species. ~~A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time. A person who violates this paragraph after having previously been given a warning under this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended.~~

Sec. 3. 12 MRSA §12810, sub-§2, as enacted by PL 2009, c. 60, §2, is amended to read:

2. Prohibited acts regarding delisted species. Except as otherwise authorized by the commissioner pursuant to this Part, a person may not intentionally:

A. Import into the State or export out of the State a delisted species. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended;

B. Hunt, trap, harass or possess a delisted species within the State. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended; or

C. Process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, a delisted species or any part of a delisted species. A person who violates this paragraph commits a Class D crime; or, for which a fine of \$2,000 must be adjudged, none of which may be suspended.

~~D. Feed, set bait for or harass a delisted species. A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time. A person who violates this paragraph after having previously been given a warning under this paragraph commits a Class D crime.~~

See title page for effective date.

CHAPTER 268

H.P. 659 - L.D. 885

An Act To Adopt Eastern Daylight Time Year-round

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

Sec. 1. 1 MRSA §151, as repealed and replaced by PL 2007, c. 129, §1, is repealed and the following enacted in its place:

§151. Standard time

1. Standard time. The standard time for the State is the time as determined by 15 United States Code, Sections 260 to 267 except that the standard time year-round for the State is the time commonly known as eastern daylight time or eastern daylight saving time, referred to in this section as eastern daylight time, if:

A. Federal law permits the year-round observation of eastern daylight time; and

B. All the states in the eastern time zone and the District of Columbia observe eastern daylight time year-round.

2. Secretary of State to monitor and provide public notice. The Secretary of State shall monitor whether the conditions under subsection 1, paragraphs A and B have been met and provide public notice when each has been met. When both conditions under subsection 1, paragraphs A and B have been met, the Secretary of State shall issue a public notice announcing the effective date of year-round eastern daylight time as established in subsection 3.