

# 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**

Notwithstanding the Maine Revised Statutes, Title 24-A, section 4309, any rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 5. Report on electronic transmission of prior authorization request for medical services; authorization to report out legislation.** No later than January 1, 2020, health insurance carriers, in cooperation with the Maine Association of Health Plans, shall report to the Joint Standing Committee on Health Coverage, Insurance and Financial Services on efforts to develop standards for secure electronic transmission of prior authorization requests that meet requirements of the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191. The committee may report out legislation to the Second Regular Session of the 129th Legislature related to the electronic transmission of prior authorization requests for medical services.

See title page for effective date.

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## CHAPTER 274

### H.P. 594 - L.D. 820

#### An Act To Prevent Discrimination in Public and Private Insurance Coverage for Pregnant Women in Maine

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

**Sec. 1. 22 MRSA §3196** is enacted to read:

**§3196. Coverage for non-Medicaid services to MaineCare members**

**1. Coverage.** The department shall provide coverage for abortion services to a MaineCare member.

**2. Funding.** Abortion services that are not federally approved Medicaid services must be funded by state funds within existing resources.

**3. Rulemaking.** The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 24 MRSA §2317-B, sub-§20**, as amended by PL 2013, c. 575, §3, is further amended to read:

**20. Title 24-A, chapters 68 and 68-A.** Long-term care insurance, nursing home care insurance and home health care insurance, Title 24-A, chapters 68 and 68-A; and

**Sec. 3. 24 MRSA §2317-B, sub-§21**, as enacted by PL 2013, c. 575, §4 and affected by §10, is amended to read:

**21. Title 24-A, sections 2765-A and 2847-U.** The practice of dental hygiene by a dental hygiene therapist, Title 24-A, sections 2765-A and 2847-U; and

**Sec. 4. 24 MRSA §2317-B, sub-§22** is enacted to read:

**22. Title 24-A, section 4320-M. Coverage for abortion services, Title 24-A, section 4320-M.**

**Sec. 5. 24-A MRSA §4320-M** is enacted to read:

**§4320-M. Coverage for abortion services**

**1. Required coverage.** A carrier offering a health plan in this State that provides coverage for maternity services shall provide coverage for abortion services for an enrollee in accordance with this section.

**2. Limits; deductible; copayment; coinsurance.** A health plan that provides coverage for the services required by this section may contain provisions for maximum benefits and coinsurance and reasonable limitations, deductibles and exclusions to the extent that these provisions are not inconsistent with the requirements of this section.

**3. Application.** Except for a religious employer granted an exclusion as provided in subsection 4, the requirements of this section apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

**4. Exclusion for religious employer.** A religious employer may request and a carrier shall grant an exclusion under the policy or contract for the coverage required by this section if the required coverage conflicts with the religious employer's bona fide religious beliefs and practices. A religious employer that obtains an exclusion under this subsection shall provide prospective enrollees and those individuals insured under its policy written notice of the exclusion. This section may not be construed as authorizing a carrier to exclude coverage for abortion services that are necessary to preserve the life or health of a covered enrollee. For the purposes of this section, "religious employer" means an employer that is a church, a convention or association of churches or an elementary or secondary school that is controlled, operated or principally supported by a church or by a convention or association of churches as defined in 26 United States Code, Section 3121(w)(3)(A) and that qualifies as a tax-exempt organization under 26 United States Code, Section 501(c)(3).

**5. Protection of federal funds.** If the superintendent determines enforcement of this section may adversely affect the allocation of federal funds to the

State, the superintendent may grant an exemption from the requirements of this section, but only to the minimum extent necessary to ensure the continued receipt of federal funds.

**Sec. 6. Rules.** The Department of Health and Human Services shall adopt the rules required by the Maine Revised Statutes, Title 22, section 3196 by March 1, 2020.

**Sec. 7. Emergency rules.** The Department of Health and Human Services may adopt emergency rules under the Maine Revised Statutes, Title 5, section 8054 as necessary to implement Title 22, section 3196 without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

**Sec. 8. Exemption from review.** Notwithstanding the Maine Revised Statutes, Title 24-A, section 2752, that section of this Act that enacts Title 24-A, section 4320-M is enacted without review and evaluation by the Department of Professional and Financial Regulation, Bureau of Insurance.

**Sec. 9. Application.** That section of this Act that enacts the Maine Revised Statutes, Title 24-A, section 4320-M applies to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2020. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

**Sec. 10. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Appropriates funds to provide coverage to MaineCare members for legal abortion services.

GENERAL FUND	2019-20	2020-21
All Other	\$125,281	\$375,843
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GENERAL FUND TOTAL	\$125,281	\$375,843

**Office of MaineCare Services 0129**

Initiative: Appropriates one-time funds for oversight, development and testing of technology changes.

GENERAL FUND	2019-20	2020-21
All Other	\$102,265	\$0
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GENERAL FUND TOTAL	\$102,265	\$0

**HEALTH AND HUMAN  
SERVICES,  
DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$227,546	\$375,843
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DEPARTMENT TOTAL - ALL FUNDS	\$227,546	\$375,843

See title page for effective date.

**CHAPTER 275**

**H.P. 940 - L.D. 1297**

**An Act To Reduce Youth  
Cancer Risk**

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

**Sec. 1. 22 MRSA §689-A** is enacted to read:

**§689-A. Tanning facilities; minors**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Operator" means a person designated by the owner of a tanning facility or the lessee of a tanning device to operate, or to assist and instruct in the operation and use of, a tanning facility or tanning device.

B. "Phototherapy device" means equipment that emits ultraviolet radiation and is used in the diagnosis or treatment of disease or injury.

C. "Tanning device" means equipment that emits electromagnetic radiation having wavelengths in air between 200 and 400 nanometers that is used for the tanning of human skin and any equipment used with that equipment, including but not limited to protective eyewear, timers and handrails. "Tanning device" includes a sunlamp, tanning booth or tanning bed but does not include a phototherapy device used or prescribed for use by a physician.

D. "Tanning facility" means a location, place, area, structure or business that provides persons access to a tanning device, including tanning salons, health clubs, apartments and condominiums, regardless of whether a fee is charged for access to the tanning device.

**2. Prohibition.** An owner of a tanning facility, a lessee of a tanning device or an operator may not allow an individual under 18 years of age to use a tan-