

# 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**

~~July~~ September 1, 2019 is valid if its execution complies with section 5-905.

**2. Executed on or after July 1, 2010 but before September 1, 2019.** A power of attorney executed on or after July 1, 2010 but before ~~July~~ September 1, 2019 is valid if its execution complied with former Title 18-A, section 5-906.

**Sec. B-7. 18-C MRSA §5-963**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§5-963. Effect on existing powers of attorney**

Except as otherwise provided in this Part:

**1. Application to powers of attorney.** This Part applies to a power of attorney created before, on or after ~~July~~ September 1, 2019;

**2. Application to judicial proceedings commenced on or after September 1, 2019.** This Part applies to a judicial proceeding concerning a power of attorney commenced on or after ~~July~~ September 1, 2019; and

**3. Application to judicial proceedings commenced before September 1, 2019.** This Part applies to a judicial proceeding concerning a power of attorney commenced before ~~July~~ September 1, 2019, unless the court finds that application of a provision of this Part would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of a party, in which case that provision does not apply and the superseded law applies.

An act done before ~~July~~ September 1, 2019 is not affected by this Part.

**Sec. B-8. 18-C MRSA §6-311**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§6-311. Application of Part**

This Part applies to registrations of securities in beneficiary form made before, on or after ~~July~~ September 1, 2019 by decedents dying on or after ~~July~~ September 1, 2019.

**Sec. B-9. 18-C MRSA §6-403**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§6-403. Applicability**

This Part applies to a transfer on death deed made before, on or after ~~July~~ September 1, 2019 by a transferor dying on or after ~~July~~ September 1, 2019.

**Sec. B-10. 18-C MRSA §6-421**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is repealed.

**Sec. B-11. 18-C MRSA §7-203**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§7-203. Application of Part**

This Part applies to fiduciary relationships in existence on ~~July~~ September 1, 2019 or established after that date.

**Sec. B-12. 18-C MRSA §7-472**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§7-472. Application of Part to all trusts and estates**

This Part applies to every trust or decedent's estate, including those in existence on ~~July~~ September 1, 2019, beginning with the first fiscal year of the trust or decedent's estate that begins on or after ~~July~~ September 1, 2019, except as otherwise expressly provided in the will or terms of the trust or in this Part.

**Sec. B-13. 18-C MRSA §9-108, first ¶**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

The laws in effect on ~~June 30~~ August 31, 2019 apply to proceedings for which any of the following occurred before ~~July~~ September 1, 2019:

**Sec. B-14. PL 2017, c. 402, Pt. F, §1** is amended to read:

**Sec. F-1. Effective date.** Parts A to E of this Act take effect ~~July~~ September 1, 2019.

**PART C**

**Sec. C-1. Maine Comments.** Comments submitted by the Probate and Trust Law Advisory Commission, which incorporate comments prepared by the Family Law Advisory Commission in accordance with Public Law 2017, chapter 402, Part G, section 1, are acknowledged by the Legislature as Maine Comments, and the Revisor of Statutes shall submit the comments for inclusion in the publication of the Maine Revised Statutes Annotated.

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

Effective June 20, 2019.

**CHAPTER 418**

**H.P. 39 - L.D. 38**

**An Act To Require Insurance Coverage for Hearing Aids for Adults**

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

**Sec. 1. 24-A MRSA §2762, sub-§2**, as amended by PL 2015, c. 494, Pt. A, §28, is further amended to read:

**2. Required coverage.** ~~In accordance with the application of coverage set forth in subsection 3, all~~ All individual health policies and contracts must provide coverage for the purchase of a hearing aid for each hearing-impaired ear for an individual covered under the policy or contract in accordance with the following requirements.

A. The hearing loss must be documented by a physician or audiologist licensed pursuant to Title 32, chapter 137.

B. The hearing aid must be purchased ~~from an audiologist or hearing aid dealer licensed pursuant to Title 32, chapter 137~~ in accordance with federal and state laws, regulations and rules for the sale and dispensing of hearing aids.

C. The policy or contract may limit coverage to ~~\$1,400~~ \$3,000 per hearing aid for each hearing-impaired ear every 36 months.

**Sec. 2. 24-A MRSA §2762, sub-§3**, as enacted by PL 2007, c. 452, §2, is repealed.

**Sec. 3. 24-A MRSA §2847-O, sub-§2**, as amended by PL 2015, c. 494, Pt. A, §29, is further amended to read:

**2. Required coverage.** ~~In accordance with the application of coverage set forth in subsection 3, all~~ All group health insurance policies, contracts and certificates must provide coverage for the purchase of a hearing aid for each hearing-impaired ear for an individual covered under the policy, contract or certificate ~~who is 18 years of age or under~~ in accordance with the following requirements.

A. The hearing loss must be documented by a physician or audiologist licensed pursuant to Title 32, chapter 137.

B. The hearing aid must be purchased ~~from an audiologist or hearing aid dealer licensed pursuant to Title 32, chapter 137~~ in accordance with federal and state laws, regulations and rules for the sale and dispensing of hearing aids.

C. The policy, contract or certificate may limit coverage to ~~\$1,400~~ \$3,000 per hearing aid for each hearing-impaired ear every 36 months.

**Sec. 4. 24-A MRSA §2847-O, sub-§3**, as reallocated by PL 2007, c. 695, Pt. A, §29, is repealed.

**Sec. 5. 24-A MRSA §4255, sub-§2**, as amended by PL 2015, c. 494, Pt. A, §30, is further amended to read:

**2. Required coverage.** ~~In accordance with the application of coverage set forth in subsection 3, all~~ All health maintenance organization individual and

group health insurance contracts must provide coverage for the purchase of a hearing aid for each hearing-impaired ear for an individual covered under the policy, contract or certificate ~~who is 18 years of age or under~~ in accordance with the following requirements.

A. The hearing loss must be documented by a physician or audiologist licensed pursuant to Title 32, chapter 137.

B. The hearing aid must be purchased ~~from an audiologist or hearing aid dealer licensed pursuant to Title 32, chapter 137~~ in accordance with federal and state laws, regulations and rules for the sale and dispensing of hearing aids.

C. The policy, contract or certificate may limit coverage to ~~\$1,400~~ \$3,000 per hearing aid for each hearing-impaired ear every 36 months.

**Sec. 6. 24-A MRSA §4255, sub-§3**, as reallocated by PL 2007, c. 695, Pt. A, §30, is repealed.

**Sec. 7. Application.** The requirements of this Act apply 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. 8. Exemption from review.** Notwithstanding the Maine Revised Statutes, Title 24-A, section 2752, this Act is enacted without review and evaluation by the Department of Professional and Financial Regulation, Bureau of Insurance.

**Sec. 9. Calculation and transfer; premium costs.** The State Budget Officer shall calculate the amount of increased premium costs that apply to each General Fund account and Highway Fund account for all departments and agencies and transfer the amounts by financial order upon the approval of the Governor. The transfers are considered adjustments to appropriations in fiscal year 2020-21.

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

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Departments and Agencies - Statewide 0016**

Initiative: Provides ongoing funds for increased premium costs to departments and agencies statewide as a result of the State Employee Health Plan being required to cover hearing aids.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$158,492
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$158,492</b>

HIGHWAY FUND	2019-20	2020-21
All Other	\$0	\$56,779
<b>HIGHWAY FUND TOTAL</b>	<b>\$0</b>	<b>\$56,779</b>

See title page for effective date.

**CHAPTER 419  
S.P. 28 - L.D. 75**

**An Act To Protect Earned Pay**

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

**Sec. 1. 26 MRSA §1193, sub-§5**, as amended by PL 2011, c. 645, §8, is further amended to read:

**5. Receiving remuneration.** For any week with respect to which the individual is receiving, has been scheduled to receive or has received remuneration in the form of:

A. Dismissal wages, wages in lieu of notice, or terminal pay ~~or holiday pay; or~~

~~A-1. Any vacation pay in an amount exceeding the equivalent of 4 weeks' wages for that individual; or~~

B. Benefits under the unemployment compensation or employment security law of any state or similar law of the United States.

If the remuneration under paragraph A is less than the benefits that would otherwise be due under this chapter, the individual is entitled to receive for that week, if otherwise eligible, benefits reduced by the amount of the remuneration, rounded to the nearest lower full dollar amount. ~~Earned vacation pay that is paid to the individual prior to the individual's being notified orally or in writing by the employer of the employer's intent to sever the employment relationship is not considered remuneration for purposes of this subsection;~~

See title page for effective date.

**CHAPTER 420  
H.P. 64 - L.D. 78**

**An Act To Facilitate Access to the MaineCare Family Planning Benefit**

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

**Sec. 1. 22 MRSA §3173-G**, as enacted by PL 2015, c. 356, §1 and affected by §4, is repealed and the following enacted in its place:

**§3173-G. Medicaid coverage for reproductive health care and family planning services**

**1. Family planning benefit.** The department shall provide for the delivery of federally approved Medicaid services to a qualified adult or adolescent whose individual income is equal to or below 209% of the nonfarm income official poverty line for reproductive health care and family planning services, as described in 42 United States Code, Section 1396d(a)(4)(C), including pregnancy prevention, testing and treatment for sexually transmitted infection or cancer and access to contraception, in accordance with the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152.

**2. Presumptive eligibility.** If a MaineCare provider determines that an adult or adolescent is likely to be eligible for services under this section, the provider must be reimbursed for services provided under this section until the department determines that the adult or adolescent is not eligible. The department shall implement this subsection in accordance with 42 United States Code, Section 1396r-1.

**3. Rules.** The department shall adopt routine technical rules as defined by Title 5, chapter 375, subchapter 2-A to carry out the provisions of this section.

See title page for effective date.

**CHAPTER 421  
H.P. 139 - L.D. 176**

**An Act To Enhance Participation on the State Board of Education**

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

**Sec. 1. 20-A MRSA §401, sub-§2**, as amended by PL 2007, c. 179, §2, is further amended to read:

**2. Composition.** ~~The membership of the state board must be broadly representative of the geographic regions of the State and of municipalities of varying sizes. A person whose income is derived in substantial portion from work as a teacher or as an administrator in an educational institution is not eligible for appointment to or service on the state board. Members must have a strong interest in and knowledge of education.~~

**Sec. 2. 20-A MRSA §401, sub-§6** is enacted to read: