

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION**

NON-EMERGENCY LAWS IS

NOVEMBER 25, 2019

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION**

NON-EMERGENCY LAWS IS

JUNE 16, 2020

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

**Augusta, Maine
2020**

B. For a nonresident commercial menhaden fishing license, \$500, plus a \$400 surcharge; and

C. For a noncommercial menhaden fishing license, \$48, plus a \$50 surcharge.

The commissioner shall deposit surcharges collected pursuant to this subsection in the Pelagic and Anadromous Fisheries Fund established under section 6041.

6. Exemption. The licensing requirement under subsection 1 does not apply to a person who fishes for, takes, possesses or transports menhaden that have been taken by speargun, harpoon, minnow trap, hand dip net or hook and line and are only for personal use.

7. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

8. Rules. The commissioner shall adopt rules to implement this section including provisions that provide limitations on the holder of a resident commercial menhaden fishing license, a nonresident commercial menhaden fishing license and a noncommercial menhaden fishing license. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

9. Effective date. This section takes effect January 1, 2021.

See title page for effective date.

**CHAPTER 641
S.P. 666 - L.D. 1924**

An Act To Amend the Real Estate Appraisal Management Company Laws

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

Sec. 1. 32 MRSA §14049-G, sub-§1, ¶M, as reenacted by PL 2017, c. 475, Pt. D, §1, is amended to read:

M. Allow the removal of an appraiser from an appraiser panel without prior written notice in accordance with section 14049-I to the appraiser;

Sec. 2. 32 MRSA §14049-I, as reenacted by PL 2017, c. 475, Pt. D, §1, is amended to read:

§14049-I. Appraiser panel management

~~Except within the first 30 days after an appraiser is added to an appraiser panel, an~~ An appraisal management company may not remove an appraiser from its appraiser panel or otherwise refuse to assign requests for real estate appraisal services to an appraiser without notifying the appraiser in writing and identifying the reasons why the appraiser is being removed from the

appraiser panel and providing an opportunity for the appraiser to respond to the notification.

See title page for effective date.

**CHAPTER 642
S.P. 667 - L.D. 1925**

An Act To Make Technical Changes to Maine's Marine Resources Laws

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

Sec. 1. 12 MRSA §6302-B, sub-§2, ¶A, as enacted by PL 2015, c. 391, §6, is amended by amending subparagraph (4) to read:

(4) When the quota established under subsection 1 is reached, the department shall notify the tribe, nation or band. The commissioner may use the data collected from the elver transaction cards issued under subparagraph (1) to determine whether the overall annual quota established under subsection 1 has been reached. When the quota established under subsection 1 is reached, the holder of a license issued by the tribe, nation or band under section 6302-A, subsection 3 may not thereafter take, possess or sell elvers. Taking, possessing or selling elvers after the quota established under subsection 1 is reached is deemed a violation by the license holder of the prohibition on fishing in excess of the person's individual quota in section 6505-A, subsection 3-A.

Sec. 2. 12 MRSA §6409, as amended by PL 2009, c. 561, §14, is further amended to read:

§6409. Suspension of license for failure to appear, answer or pay

If a license is suspended pursuant to Title 14, section 3142, the suspension remains in effect and that person is ineligible to obtain or hold a license until the person pays the fine. ~~On~~ Except for a limited entry fishery, as defined in section 6310-A, subsection 2, upon payment of the fine and on condition of payment of a \$25 administrative fee to the department, the suspension is rescinded and the person's eligibility to obtain or hold a license is reinstated. For a limited entry fishery, as defined in section 6310-A, subsection 2, in order for the suspension to be rescinded and the person's eligibility to obtain or hold a license to be reinstated, the person must purchase the license and pay the \$25 administrative fee to the department by no later than the end of the calendar year following the year in which the fine is paid. For the purposes of this section, "fine" has the same meaning as in Title 14, section 3141, subsection 1.

Sec. 3. 12 MRSA §6410, as amended by PL 2009, c. 561, §15, is further amended to read:

§6410. Suspension of license for failure to comply with court order of support

If a person's eligibility to obtain or hold a license or registration is suspended pursuant to Title 19-A, section 2201, the suspension remains in effect until the person is in compliance with a court order of support. ~~On condition of~~ Except for a limited entry fishery, as defined in section 6310-A, subsection 2, upon payment of a \$25 administrative fee to the department, the suspension is rescinded and the person's eligibility to obtain or hold a license reinstated. For a limited entry fishery, as defined in section 6310-A, subsection 2, in order for the suspension to be rescinded and the person's eligibility to obtain or hold a license to be reinstated, the person must purchase the license and pay the \$25 administrative fee to the department by no later than the end of the calendar year following the year in which the person is in compliance with the court order of support.

Sec. 4. 12 MRSA §6411, as enacted by PL 2009, c. 561, §16, is amended to read:

§6411. Refusal to renew or reissue license for failure to file or failure to pay state tax obligations

If a person's eligibility to obtain a license is suspended pursuant to Title 36, section 175, the suspension is in effect until the State Tax Assessor issues a certificate of good standing. ~~On condition of~~ Except for a limited entry fishery, as defined in section 6310-A, subsection 2, upon payment of a \$25 administrative fee to the department, the suspension is rescinded and the person's eligibility to obtain a license reinstated. For a limited entry fishery, as defined in section 6310-A, subsection 2, in order for the suspension to be rescinded and the person's eligibility to obtain a license to be reinstated, the person must purchase the license and pay the \$25 administrative fee to the department by no later than the end of the calendar year following the year in which the person is issued a certificate of good standing.

Sec. 5. 12 MRSA §6505-A, sub-§1-C, as amended by PL 2017, c. 250, §2, is further amended to read:

1-C. Elver transaction card issued. The department may issue an elver transaction card to each license holder under this section and to each license holder under section 6302-A, subsection 3, paragraphs E, E-1, F and G in accordance with section 6302-B. The department may charge each license holder an annual fee for the elver transaction card that may not exceed \$35. Fees collected under this subsection must be deposited in the Eel and Elver Management Fund under section 6505-D. The license holder shall use the elver transaction card to meet electronic reporting requirements established by rule pursuant to section 6173. The elver transaction

card must include the license holder's name and ~~license~~ landings number.

Sec. 6. 12 MRSA §6575-K, sub-§1, as amended by PL 2015, c. 131, §2, is further amended to read:

1. Prohibition on possession or sale of elvers in excess of elver individual fishing quota. A person may not possess or sell ~~a weight of elvers that exceeds~~ in excess of the elver individual fishing quota that person has been allocated for the fishing season pursuant to section 6505-A, subsection 3-A, plus any additional quota the person may be authorized to take under section 6575-L. After a person's elver transaction card is issued pursuant to section 6505-A, subsection 1-C has been used to record transactions equal to or in excess of the elver quota allocated to that person, that person may not possess or sell elvers.

Sec. 7. 12 MRSA §6575-K, sub-§2, as amended by PL 2015, c. 131, §2, is further amended to read:

2. Prohibition on fishing after elver individual fishing quota has been reached. Except as provided in section 6575-L, this section applies to fishing after a person's elver individual fishing quota has been reached. A person who has sold ~~a weight of elvers that meets or exceeds~~ equal to or in excess of that person's elver individual fishing quota may not fish for or possess elvers for the remainder of the season, except that such a person who has been issued a license to fish for elvers may in accordance with section 6575-D assist another person who has been issued a license to fish for elvers who has not met or exceeded that person's elver individual fishing quota as provided in section 6505-A, subsection 3-A. After a person's elver transaction card issued pursuant to section 6505-A, subsection 1-C has been used to record transactions equal to or in excess of the elver quota allocated to that person, that person may not fish for elvers. All gear tagged by a license holder who has met or exceeded that person's elver individual fishing quota must be removed. A marine patrol officer may seize the elver transaction card of a license holder who has met or exceeded that person's elver individual fishing quota.

Sec. 8. 12 MRSA §6851, sub-§2-A, as amended by PL 2009, c. 523, §8, is further amended to read:

2-A. Wholesale seafood license with lobster permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a lobster permit. A person holding a wholesale seafood license with a lobster permit may engage in all the activities in subsection 2 and may buy, sell, process or ship lobster or properly licensed or lawfully imported lobster meat or parts. A person holding a wholesale seafood license with a lobster permit may transport lobster or properly

licensed or lawfully imported lobster meat or parts anywhere within the state limits. A license under this subsection does not authorize a person to possess or transport lobster that person has taken unless that person is in possession of a license issued under section 6421, subsection 3-A, paragraph A, B, C or E. A license under this subsection does not authorize a person to remove lobster meat from the shell unless a license under section 6851-B or 6857 is held.

See title page for effective date.

CHAPTER 643

S.P. 670 - L.D. 1928

An Act To Prohibit Health Insurance Carriers from Retroactively Reducing Payment on Clean Claims Submitted by Pharmacies

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

Sec. 1. 24-A MRSA §4317, sub-§2, as enacted by PL 2009, c. 519, §1 and affected by §2, is amended to read:

2. Prompt payment of claims. Notwithstanding section 2436, the following provisions apply to the payment of claims submitted to a carrier by a pharmacy provider.

A. For purposes of this subsection, the following terms have the following meanings.

- (1) "Applicable number of calendar days" means:
 - (a) With respect to claims submitted electronically, 21 days; and
 - (b) With respect to claims submitted otherwise, 30 days.
- (2) "Clean claim" means a claim that has no defect or impropriety, including any lack of any required substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment from being made on the claim under this section.

B. A contract entered into by a carrier with a pharmacy provider with respect to a prescription drug plan offered by a carrier must provide that payment is issued, mailed or otherwise transmitted with respect to all clean claims submitted by a pharmacy provider, other than a pharmacy that dispenses drugs by mail order only or a pharmacy located in, or under contract with, a long-term care facility, within the applicable number of calendar days after

the date on which the claim is received. For purposes of this subsection, a claim is considered to have been received:

- (1) With respect to claims submitted electronically, on the date on which the claim is transferred; and
- (2) With respect to claims submitted otherwise, on the 5th day after the postmark date of the claim or the date specified in the time stamp of the transmission of the claim.

C. If payment is not issued, mailed or otherwise transmitted by the carrier within the applicable number of calendar days after a clean claim is received, the carrier shall pay interest to the pharmacy provider at the rate of 18% per annum.

D. A claim is considered to be a clean claim if the carrier involved does not provide notice to the pharmacy provider of any deficiency in the claim within 10 days after the date on which an electronically submitted claim is received or within 15 days after the date on which a claim submitted otherwise is received.

E. If a carrier determines that a submitted claim is not a clean claim, the carrier shall immediately notify the pharmacy provider of the determination. The notice must specify all defects or improprieties in the claim and list all additional information or documents necessary for the proper processing and payment of the claim. If a pharmacy provider receives notice from a carrier that a claim has been determined to not be a clean claim, the pharmacy provider shall take steps to correct that claim and then resubmit the claim to the carrier for payment.

F. A claim resubmitted to a carrier with additional information pursuant to paragraph E is considered to be a clean claim if the carrier does not provide notice to the pharmacy provider of any defect or impropriety in the claim within 10 days of the date on which additional information is received if the claim is resubmitted electronically or within 15 days of the date on which additional information is received if the claim is resubmitted otherwise.

G. A claim submitted to a carrier that is not paid by the carrier or contested by the plan sponsor within the applicable number of calendar days after the date on which the claim is received by the carrier is considered to be a clean claim and must be paid by the carrier.

H. Payment of a clean claim under this subsection is considered to have been made on the date on which the payment is transferred with respect to claims paid electronically and on the date on which the payment is submitted to the United States Postal Service or common carrier for delivery with respect to claims paid otherwise.