

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

the federal Internal Revenue Code of 1986, as amended, does not subject that participant, the estate of that participant or any beneficiary to any state income or estate tax liability. In the event of cancellation or termination of a participation agreement and distribution of funds to a participant, the increase in value over the amount deposited in the program fund by that participant may be taxable to that participant in the year distributed.

Sec. 8. 20-A MRSA §11483, as enacted by PL 1997, c. 732, §4, is amended to read:

§11483. Compliance with federal law

The authority may take any action necessary to ensure that the program complies with the federal Internal Revenue Code of 1986, Section 529, as amended, and any successor provisions and other applicable laws, rules and regulations adopted pursuant to that provision to the extent necessary for the program fund to constitute a qualified ~~state~~ tuition program with the benefits of eligibility under provisions of the federal Internal Revenue Code of 1986 addressing qualified ~~state~~ tuition programs.

Sec. 9. 20-A MRSA §11485, as enacted by PL 1997, c. 732, §4, is amended to read:

§11485. Rulemaking

The authority ~~must~~ shall establish rules for the implementation of the program established by this chapter, including rules establishing fees and penalties and rules necessary to ensure treatment as a qualified ~~state~~ tuition program for federal tax purposes. Rules adopted pursuant to this section, including those setting fees and penalties, are routine technical rules as defined by Title 5, chapter 375, subchapter ~~H A 2-A~~. ~~The authority shall submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 30, 1999 on the rules and rule-making process to implement a program providing limits on future increases in the costs of education of participating institutions of higher education pursuant to section 11474, subsection 8.~~

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

Effective March 17, 2021.

CHAPTER 18
S.P. 30 - L.D. 22

**An Act To Authorize Early
Payment of Anticipated Funds
to the Loring Job Increment
Financing Fund**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation authorizes the payment of anticipated funds to the Loring Job Increment Financing Fund in advance of the payment scheduled on July 31, 2021; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §13080-S, sub-§3, ¶B is enacted to read:

B. At any time during the 12 months preceding the July 31, 2021 payment date, the assessor, at the direction of the Governor or upon the recommendation of the Commissioner of Economic and Community Development and the approval of the Commissioner of Administrative and Financial Services, shall deposit into the contingent account and pay to the fund an amount not to exceed the anticipated payment amount to the fund or the amount paid the previous year, whichever is greater. Any difference between the amount advanced and the amount finally determined to be due, in the event of an underpayment, must be added to the final payment due by July 31, 2021 or, in the event of an overpayment, must be deducted from the final payment due by July 31, 2022.

This paragraph is repealed August 1, 2022.

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

Effective March 17, 2021.

CHAPTER 19
S.P. 45 - L.D. 37

**An Act To Amend the Laws
Concerning the Retired County
and Municipal Law
Enforcement Officers and
Municipal Firefighters Health
Insurance Program**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, pursuant to Public Law 2019, chapter 446, section 7, the open enrollment period for certain

county or municipal law enforcement officers or municipal firefighters who are employed as county or municipal law enforcement officers or municipal firefighters to enroll in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program ends December 31, 2021; and

Whereas, it is necessary for this legislation to be enacted as soon as possible to provide sufficient time for such officers and firefighters to enroll prior to December 31, 2021; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §286-M, sub-§3, as amended by PL 2019, c. 446, §1, is further amended to read:

3. Eligibility for program coverage. A person must make contributions pursuant to subsection 5, paragraph D and subsection 8 ~~for 60 months~~ in order to be eligible for coverage under the program. In addition, a person must satisfy the eligibility criteria specified in this subsection as follows:

- A. The person must:
 - (1) Be at least 50 years of age;
 - (2) Be a retired county or municipal law enforcement officer or a retired municipal firefighter;
 - (3) Have, while actively employed as a county or municipal law enforcement officer or municipal firefighter, participated in the person's employer's health insurance plan or other fully-insured health insurance plan; and
 - (4) Receive or be eligible to receive:
 - (a) If retired from at least 25 years of service in a position as a county or municipal law enforcement officer or a municipal firefighter, a retirement benefit from the Maine Public Employees Retirement System or a defined contribution retirement plan other than the United States Social Security Act; or
 - (b) If retired from less than 25 years of service in a position as a county or municipal law enforcement officer or a municipal firefighter, a retirement benefit from the Maine Public Employees Retirement System or a defined contribution retirement plan other than the United States Social Security Act, as long as the benefit provided is at least 50% of average final

compensation, with no reduction for early retirement and with or without a cost-of-living adjustment; or

B. The person must be a dependent of a person meeting the criteria of paragraph A.

Sec. 2. 5 MRSA §286-M, sub-§5, ¶D, as enacted by PL 2019, c. 446, §2, is amended to read:

D. When the effective date of hire of the eligible person is on or after October 1, 2019, the eligible person must enroll in the program no later than 5 years following the effective date of hire, ~~subject to the enrollment and eligibility requirements of the applicable group health plan.~~ If the eligible person enrolls in the program no later than 60 days following the effective date of hire, the eligible person contributes to the fund at the rate specified in subsection 8, paragraph A. If the eligible person enrolls in the program more than 60 days following the effective date of hire, the eligible person shall contribute to the fund 2% of the eligible person's gross wages since the eligible person's effective date of hire to that person's date of enrollment in the program and shall contribute to the fund at the rate specified in subsection 8, paragraph A after the eligible person's date of enrollment.

Sec. 3. 5 MRSA §286-M, sub-§6, ¶D, as enacted by PL 2019, c. 446, §2, is amended to read:

D. An enrollee may participate in the group health insurance plan in which the enrollee's spouse participates if that plan is offered in this State or in another group health insurance plan that is offered in this State. An enrollee is responsible for the premium payment associated with the cost of the group health insurance plan in which the enrollee is participating, ~~to the extent such premium obligations exist following the application of any premium subsidy authorized by law.~~ An enrollee who fails to remit the premium payments as established and required by the group health insurance plan in which the enrollee is participating must be disenrolled from the program. The State shall provide a premium subsidy for each enrollee in the form of a direct payment to the ~~group health insurance plan in which the enrollee is participating~~ enrollee. Prior to July 1, 2021, the level of the premium subsidy must equal 45% of the individual premium cost for the enrollee or a dollar amount equivalent to the highest premium subsidy provided in accordance with paragraph A, whichever is less. Beginning July 1, 2021, the level of the premium subsidy must equal 55% of the individual premium cost for the enrollee or a dollar amount equivalent to the highest premium subsidy provided in accordance with paragraph A, whichever is less. Enrollees are responsible for the balance of the applicable individual premium, as well as the total cost of the premium for any applicable dependent coverage, and

shall make payments directly to the group health insurance plan in which the enrollee is participating.

Sec. 4. PL 2019, c. 446, §7 is amended to read:

Sec. 7. Open enrollment. Notwithstanding the Maine Revised Statutes, Title 5, section 286-M, subsection 5, a county or municipal law enforcement officer or a municipal firefighter, as defined in Title 5, section 286-M, subsection 2, paragraphs A and H, respectively, who is employed as a county or municipal law enforcement officer or a municipal firefighter at any time beginning October 1, 2019 and ending December 31, 2021 may enroll in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program established in Title 5, section 286-M, subsection 1 at any time during that period while employed as a county or municipal law enforcement officer or a municipal firefighter. ~~Such~~ Notwithstanding Title 5, section 286-M, subsection 5, paragraph D, such a person who enrolls in the program and is not otherwise eligible to enroll in the program under Title 5, section 286-M, subsection 5 shall contribute to the Firefighters and Law Enforcement Officers Health Insurance Program Fund established in Title 5, section 286-M, subsection 7 a percentage of that person's gross wages in each year of creditable service since that person's effective date of hire as a county or municipal law enforcement officer or a municipal firefighter ~~to that person's date of enrollment in the program or since January 1, 2007, whichever is later, equal to 1.5% for the first 5 years 3% until December 31, 2014 and 3% 1.5% for additional years.~~

Sec. 5. Retroactive application; enrollment contributions. That section of this Act that amends Public Law 2019, chapter 446, section 7 applies retroactively to September 19, 2019. The Department of Administrative and Financial Services, Bureau of Human Resources, office of employee health and benefits shall ensure that enrollment contributions pursuant to Public Law 2019, chapter 446, section 7, as amended, to the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program under the Maine Revised Statutes, Title 5, section 286-M made by enrollees between September 19, 2019 and the effective date of this Act are consistent with this Act.

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

Effective March 17, 2021.

**CHAPTER 20
H.P. 26 - L.D. 60**

**An Act To Clarify the
Minimum Amount of
Emergency Refills of Insulin**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, legislation to authorize a pharmacist to provide an emergency refill of insulin was enacted as emergency legislation on March 18, 2020; and

Whereas, this legislation clarifies the minimum amount of insulin that may be provided on an emergency basis by a pharmacist and requires notice of the refill to the provider that prescribed the insulin to the patient; and

Whereas, it is important for a pharmacist to be able to provide emergency refills of insulin in the minimum amounts permitted by this legislation as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA §13786-D, sub-§2, as enacted by PL 2019, c. 666, Pt. B, §1, is amended to read:

2. Authorization. As authorized by the board in accordance with rules adopted under subsection 3, a pharmacist may dispense emergency refills of insulin and associated insulin-related devices and supplies by prescription drug order or standing order or pursuant to a collaborative practice agreement authorizing insulin to be dispensed. The insulin dispensed under this subsection must be in a quantity that is ~~the lesser of a 30-day supply and the smallest available package~~ at least a 30-day supply unless the intended recipient requests a lesser quantity upon consultation with the pharmacist. The intended recipient shall provide evidence of a previous prescription from a practitioner and attest that a refill of that previous prescription may not be readily or easily obtained under the circumstances. Upon receiving evidence of a previous prescription from a practitioner, the pharmacist shall immediately notify that practitioner that an emergency refill of insulin was dispensed and instruct the recipient to seek follow-up care from the practitioner as soon as possible.

Sec. 2. 32 MRSA §13786-D, sub-§3, as enacted by PL 2019, c. 666, Pt. B, §1, is amended to read: