

# 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.**

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**Augusta, Maine**  
**2021**

**3. Employee, agent, representative or designee also a licensee.** An employee, agent, representative or designee of a licensee that is also a licensee is exempt from section 2264 and need not develop its own information security program to the extent that the employee, agent, representative or designee is covered by the information security program of the other licensee.

If a licensee ceases to qualify for an exception under this section, the licensee has 180 days to comply with this chapter.

**§2270. Penalties**

The superintendent may take any enforcement action permitted under section 12-A against any person that violates any provision of this chapter.

**§2271. Rules**

The superintendent may adopt rules necessary to carry out the provisions of this chapter. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

**§2272. Effective date; implementation**

This chapter takes effect January 1, 2022. A licensee must comply with section 2264 no later than January 1, 2022, except that a licensee must comply with section 2264, subsection 6 no later than January 1, 2023.

See title page for effective date.

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**CHAPTER 25  
H.P. 21 - L.D. 55**

**An Act To Protect Minority  
Religious Groups by  
Eliminating the Prior Approval  
Requirement for a School  
Absence for a Recognized  
Religious Holiday**

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

**Sec. 1. 20-A MRSA §3272, sub-§3, ¶C,** as amended by PL 2007, c. 304, §2, is further amended to read:

C. Observance of a recognized religious holiday when the observance is required during the regular school day ~~and the absence has prior approval;~~

See title page for effective date.

**CHAPTER 26  
H.P. 39 - L.D. 73**

**An Act To Authorize  
Municipalities To Allow  
Harbor Masters and Deputy  
Harbor Masters To Use Red or  
Combination Red and White  
Auxiliary Lights When  
Responding to Watercraft  
Emergencies**

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

**Sec. 1. 29-A MRSA §2054, sub-§2, ¶F,** as amended by PL 2017, c. 21, §2, is further amended by enacting a new subparagraph (5) to read:

(5) A municipality may authorize a harbor master or deputy harbor master appointed under Title 38, section 1 or 2, respectively, to use one red or combination red and white flashing auxiliary light mounted in the windshield or on the dashboard at the front of a vehicle or 2 flashing red or combination red and white auxiliary lights mounted on the front of the vehicle above the front bumper and below the hood and one red auxiliary light mounted in the rear window area. The light or lights may be displayed but may be used only while the harbor master or deputy harbor master is responding to a watercraft emergency. A light mounted on the dashboard or in the windshield must be shielded so that the emitted light does not interfere with the operator's vision. The authorization for the use of lights may be revoked at any time by the municipality.

See title page for effective date.

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**CHAPTER 27  
H.P. 43 - L.D. 77**

**An Act To Authorize the  
Department of Marine  
Resources To Charge an  
Application Fee for Entering a  
Lottery for a Scallop License**

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

**Sec. 1. 12 MRSA §6706, sub-§5** is enacted to read:

**5. Fee.** If the scallop license limited entry system established under subsection 3 is conducted through a lottery, the commissioner may charge a nonrefundable

lottery application fee not to exceed \$50. An application fee collected under this subsection must be deposited in the Scallop Research Fund established in section 6729-A.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF  
Bureau of Marine Science 0027**

Initiative: Provides an ongoing allocation for the administration of a scallop license lottery program and development of programs that address the restoration, development or conservation of scallop resources.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$50,000	\$50,000
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$50,000</u>	<u>\$50,000</u>

See title page for effective date.

**CHAPTER 28  
S.P. 29 - L.D. 1**

**An Act To Establish the  
COVID-19 Patient Bill of  
Rights and To Amend the  
Governor's Emergency Powers**

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

**Whereas,** the spread of the novel coronavirus disease referred to as COVID-19 has created a public health emergency; and

**Whereas,** in response to COVID-19, the World Health Organization has declared a pandemic, the President of the United States has declared a national emergency and the Governor of Maine has declared a civil state of emergency; and

**Whereas,** in response to COVID-19, the Governor of Maine has also proclaimed an insurance emergency pursuant to the Maine Revised Statutes, Title 24-A, section 471 and, pursuant to that proclamation, the Superintendent of Insurance has issued orders relating to health insurance coverage for COVID-19 screening, testing and immunization during the civil state of emergency; and

**Whereas,** it is important to maintain these important consumer protections related to health insurance coverage once the civil state of emergency expires; and

**Whereas,** the purpose of this legislation is to ensure that those consumer protections are codified in state law; 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:**

**PART A**

**Sec. A-1. 22 MRSA §1718-D, sub-§2,** as amended by PL 2019, c. 668, §1, is further amended to read:

**2. Prohibition on balance billing.** An out-of-network provider reimbursed for a surprise bill or a bill for covered emergency services under Title 24-A, section 4303-C or, if there is a dispute, under Title 24-A, section 4303-E or a bill for COVID-19 screening and testing under Title 24-A, section 4320-P may not bill an enrollee for health care services beyond the applicable coinsurance, copayment, deductible or other out-of-pocket cost expense that would be imposed for the health care services if the services were rendered by a network provider under the enrollee's health plan. For an enrollee subject to coinsurance, the out-of-network provider shall calculate the coinsurance amount based on the median network rate for that health care service under the enrollee's health plan. An out-of-network provider is also subject to the following with respect to any overpayment made by an enrollee.

A. If an out-of-network provider provides health care services covered under an enrollee's health plan and the out-of-network provider receives payment from the enrollee for health care services for which the enrollee is not responsible pursuant to this subsection, the out-of-network provider shall reimburse the enrollee within 30 calendar days after the earlier of the date that the provider received notice of the overpayment and the date the provider became aware of the overpayment.

B. An out-of-network provider that fails to reimburse an enrollee for an overpayment as required by paragraph A shall pay interest on the overpayment at the rate of 10% per annum beginning on the earlier of the date the provider received notice of the overpayment and the date the provider became aware of the overpayment. An enrollee is not required to request the accrued interest from the out-of-network provider in order to receive interest with the reimbursement amount.

**Sec. A-2. 22 MRSA §1718-G** is enacted to read:

**§1718-G. Requirements for notice to patients of costs for COVID-19 screening and testing**