

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

~~discuss any case investigations or any disciplinary actions.~~

Sec. 20. 25 MRSA §2958, as repealed and replaced by PL 1999, c. 790, Pt. D, §8, is amended to read:

§2958. Prosecution protocol

The Attorney General, after consultation with the 8 district attorneys, the United States Attorney for the District of Maine and the ~~board~~ agency, shall establish by rule a protocol that governs the selection of the state or federal court system for prosecution of drug cases investigated by the agency.

Sec. 21. 34-A MRSA §3002-B, as enacted by PL 2007, c. 503, §2, is repealed.

Sec. 22. 38 MRSA §343-D, as amended by PL 2011, c. 206, §5 and 6 and affected by §37, is repealed.

Sec. 23. 38 MRSA §353-A, sub-§4, as amended by PL 1993, c. 500, §3 and affected by §5, is further amended to read:

4. Maximum and minimum fees. The minimum annual fee is \$250 per year. The maximum annual fee is \$150,000 per year. Beginning November 1, 1994, the minimum annual fee surcharge is \$100 per year and the maximum annual fee surcharge is \$50,000 per year. The commissioner may reduce any fee required under the federal Clean Air Act Amendments of 1990 to take into account the financial resources of a small business stationary source ~~as defined in section 343-D, subsection 4~~, which for the purposes of this subsection means a source that meets the eligibility requirements of 42 United States Code, Section 7661f.

See title page for effective date.

CHAPTER 37

H.P. 126 - L.D. 173

An Act To Restore Honor to Certain Service Members

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

Sec. 1. 37-B MRSA §503, sub-§9 is enacted to read:

9. Change in treatment of certain discharges. The director, in accordance with this subsection, shall establish a process for a veteran who separated from service without an honorable discharge due solely to the veteran's sexual orientation or gender identity or to statements, consensual sexual conduct or consensual acts relating to sexual orientation or gender identity to have that discharge treated as an honorable discharge for purposes of determining the veteran's eligibility for rights, privileges and benefits granted to veterans under state law.

A. If the director determines that a veteran qualifies to have that veteran's discharge treated as an honorable discharge for purposes of state law, the director shall record this information in the records management system maintained pursuant to subsection 8 and shall provide the veteran with a written certificate verifying the upgraded discharge status for state law purposes. The director shall assist a veteran to whom a certificate is issued under this paragraph in applying for an upgrade of that veteran's discharge status under federal law, if such an upgrade would entitle the veteran to receive federal benefits.

B. All state and municipal departments and agencies shall accept a certificate issued by the director under paragraph A as evidence that the veteran who is the subject of the certificate qualifies as a veteran with an honorable discharge for purposes of determining whether the veteran qualifies for rights, privileges or benefits granted to veterans under state law. The director shall publish and distribute written materials describing the process established under this subsection and the duties of state and municipal departments and agencies under this paragraph.

C. The director shall implement an outreach program to inform veterans of the process established under this subsection and to inform veterans that, through this process, they may be able to receive privileges and benefits that were previously denied under state law.

D. For purposes of this subsection, "gender identity" has the same meaning as in Title 5, section 4553, subsection 5-C; "sexual orientation" has the same meaning as in Title 5, section 4553, subsection 9-C; and "veteran" means a person who served in the United States Armed Forces, the reserve components of the United States Armed Forces, the Maine National Guard or the Active Guard Reserve.

Sec. 2. 37-B MRSA §504, sub-§4, ¶A-1, as amended by PL 2019, c. 601, §1, is further amended by enacting a new subparagraph (3) to read:

(3) "Program of general amnesty" does not include the process for upgrading a discharge for state law purposes under section 503, subsection 9.

Sec. 3. Report. The Director of the Maine Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management shall explore whether other states have established processes for reviewing and potentially upgrading the discharge status, for state law purposes, of veterans who have been diagnosed with post-traumatic stress disorder or traumatic brain injury or who have been diagnosed with psychological trauma resulting from sexual assault or

sexual harassment during military service as described in 38 United States Code, Section 1720D and who separated from service without an honorable discharge. By January 15, 2022, the director shall report to the Joint Standing Committee on Veterans and Legal Affairs on both the potential for implementing such a process in the State and the resources that would be required to implement the process. The Joint Standing Committee on Veterans and Legal Affairs may report out legislation based upon the report to the Second Regular Session of the 130th Legislature.

See title page for effective date.

CHAPTER 38

H.P. 162 - L.D. 232

An Act To Recognize "My Sweet Maine" as Maine's Song of the 21st Century

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

Sec. 1. 1 MRSA §210-C is enacted to read:

§210-C. State song of 21st century

The official song of the State of the 21st century is the song entitled "My Sweet Maine," written by Terry Swett.

See title page for effective date.

CHAPTER 39

H.P. 175 - L.D. 254

An Act To Allow Certified Registered Nurse Anesthetists To Bill for Their Services

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

Sec. 1. 24-A MRSA §4320-P is enacted to read:

§4320-P. Coverage for services provided by a certified registered nurse anesthetist

1. Services provided by a certified registered nurse anesthetist. A carrier offering a health plan in this State shall provide coverage for health care services performed by a certified registered nurse anesthetist licensed under Title 32, chapter 31 when those services are covered services under the health plan when performed by any other health care provider and when those services are within the lawful scope of practice of the certified registered nurse anesthetist.

2. Limits; deductible; copayment; coinsurance. A carrier may offer a health plan containing a provision for a deductible, copayment or coinsurance requirement

for a health care service provided by a certified registered nurse anesthetist as long as the deductible, copayment or coinsurance does not exceed the deductible, copayment or coinsurance applicable to the same service provided by other health care providers.

3. Network participation. A carrier may not prohibit a certified registered nurse anesthetist from participating in the carrier's provider network or billing the carrier directly solely because the provider is a certified registered nurse anesthetist as long as the provider is willing to meet the same terms and conditions as other participating providers. This subsection does not require a carrier to contract with all certified registered nurse anesthetists or require a carrier to provide coverage under a health plan for any service provided by a participating certified registered nurse anesthetist that is not a covered service under the plan.

4. Claim submission. Services billed by a certified registered nurse anesthetist must be submitted using the current standardized claim form for professional services approved by the Federal Government and submitted electronically.

Sec. 2. Application. This Act applies to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2022. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. 3. 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.

See title page for effective date.

CHAPTER 40

H.P. 218 - L.D. 314

An Act To Continue the Green Power Electricity Offer

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

Sec. 1. 35-A MRSA §3212-B is enacted to read:

§3212-B. Green power options

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

A. "Green power supply" means electricity or renewable energy credits for electricity generated from renewable capacity resources as defined in section 3210, subsection 2, paragraph B-3, includ-