

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

traffic circulates counterclockwise around a center traffic island. "Roundabout" includes a mini-roundabout with a traversable island.

Sec. 6. 29-A MRSA §2053, sub-§3, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. At a roundabout, traffic circle or rotary; or

Sec. 7. 29-A MRSA §2053, sub-§6, as repealed and replaced by PL 2003, c. 452, Pt. Q, §33 and affected by Pt. X, §2, is amended to read:

6. Traffic circles, roundabouts or rotary intersections rotaries. The operator of a vehicle:

A. Approaching a traffic circle, roundabout or rotary ~~intersection~~ shall yield the right-of-way to a vehicle already within the traffic circle, roundabout or rotary ~~intersection~~ unless otherwise regulated by a law enforcement officer or by traffic control devices;

B. Entering ~~and passing~~, circulating around and exiting a ~~rotary or~~ traffic circle, roundabout or rotary may drive only to the right of the center traffic island of a roundabout, mini-roundabout, rotary or traffic circle and shall yield the right-of-way to a vehicle on the operator's left; ~~and~~

C. May not drive on or across the center part of a rotary, roundabout or traffic circle, except that the wheels of a semitrailer or trailer may cross the center part as long as the wheels of the towing vehicle do not cross the center part, or, in the case of a mini-roundabout, may drive across a traversable center traffic island only if the operator is operating a combination vehicle or a bus;

D. May not travel in a traffic circle, roundabout or rotary beyond 2 exit points in the outside lane; and

E. Shall obey all signs and markings on the pavement lawfully placed at the traffic circle, roundabout or rotary.

Sec. 8. 30-A MRSA §6006-G, sub-§1, as amended by PL 2011, c. 610, Pt. B, §3, is further amended to read:

1. Establishment; purposes. The TransCap Trust Fund, referred to in this section as "the fund," is established in the custody of the bank to provide transportation capital investment for the Department of Transportation and municipalities in accordance with this section. The purpose of the fund is to provide financial assistance for the planning, design, acquisition, reconstruction and rehabilitation of transportation capital improvements of all modes including improvements that will forward the ~~capital~~ asset management goals set forth in Title 23, section 73, subsection 7.

Sec. 9. 30-A MRSA §6006-G, sub-§4, ¶B, as amended by PL 2011, c. 610, Pt. B, §4, is further amended to read:

B. To guarantee or insure, directly or indirectly, the payment of notes or bonds issued or to be issued by the State for the purpose of financing capital improvements that will forward the ~~capital~~ asset management goals set forth in Title 23, section 73, subsection 7;

See title page for effective date.

CHAPTER 240

H.P. 871 - L.D. 1193

An Act To Exempt Certain Disabled Veterans from the Motor Vehicle Excise Tax

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

Sec. 1. 36 MRSA §1483, sub-§12, as amended by PL 2009, c. 434, §20, is further amended to read:

12. Certain veterans. Automobiles owned by veterans who are granted free registration of those vehicles by the Secretary of State under Title 29-A, section 523, subsection 1 or who are disabled by injury or disease incurred or aggravated during active military service in the line of duty and are receiving any form of pension or compensation from the United States Government for total, service-connected disability;

See title page for effective date.

CHAPTER 241

H.P. 925 - L.D. 1258

An Act To Implement the Recommendations of the Stakeholder Group Convened by the Emergency Medical Services' Board Related to Reimbursement Rates for Ambulance Services by Health Insurance Carriers and To Improve Participation of Ambulance Service Providers in Carrier Networks

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

Sec. 1. 24-A MRSA §4303-C, sub-§2, ¶D, as enacted by PL 2019, c. 668, §2, is amended to read:

D. A Until December 31, 2023, unless the carrier and out-of-network provider agree otherwise, a

carrier shall reimburse an out-of-network provider for ambulance services that are covered emergency services at the ~~out-of-network provider's rate, unless the carrier and out-of-network provider agree otherwise.~~ rate required by section 4303-F;

~~This paragraph is repealed October 1, 2021;~~

Sec. 2. 24-A MRSA §4303-C, sub-§2, ¶E, as enacted by PL 2019, c. 668, §2, is amended to read:

E. If an out-of-network provider disagrees with a carrier's payment amount for a surprise bill for emergency services or for covered emergency services as determined in accordance with paragraph B or paragraph D, the carrier and the out-of-network provider have 30 calendar days to negotiate an agreement on the payment amount in good faith. If the carrier and the out-of-network provider do not reach agreement on the payment amount within 30 calendar days, the out-of-network provider may submit a dispute regarding the payment and receive another payment from the carrier determined in accordance with the dispute resolution process in section 4303-E, including any payment made pursuant to section 4303-E, subsection 1, paragraph G; and

Sec. 3. 24-A MRSA §4303-F is enacted to read:
§4303-F. Reimbursement for ambulance services and participation of ambulance service providers in carrier networks

1. Reimbursement for ambulance services. Until December 31, 2023, with respect to a bill for covered emergency services rendered by an ambulance service provider, a carrier shall reimburse the ambulance service provider or enrollee, as applicable, as follows.

A. If the ambulance service provider participates in the carrier's network, the carrier shall reimburse at the ambulance service provider's rate or 200% of the Medicare rate for that service, whichever is less, plus any adjustment required by paragraph C.

B. If the ambulance service provider is an out-of-network provider, the carrier shall reimburse at the ambulance service provider's rate or 180% of the Medicare rate for that service, whichever is less, plus any adjustment required by paragraph C.

C. If the ambulance service provider is located in a rural or super rural area as designated by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and eligible for additional Medicare reimbursement for services that were provided to a Medicare enrollee, the carrier shall increase the reimbursement to that ambulance service provider in the same amount as the additional Medicare reimbursement.

D. If, on the effective date of this subsection, an ambulance service provider's charge for ambulance

services is below 200% of the Medicare rate for that service, the ambulance service provider may not increase the charge for that service by more than 5% annually.

This subsection is repealed December 31, 2023.

2. Network participation; standard contract. A carrier shall offer a standard contract to all ambulance service providers willing to participate in the carrier's provider network with the following provisions:

A. The reimbursement rate paid for ambulance services conforms to the requirements of subsection 1.

This paragraph is repealed December 31, 2023;

B. The contract term is for a minimum of 24 months;

C. The contract may be terminated as long as the party seeking to terminate the contract provides at least 180 days' prior notice; and

D. The contract provides that an ambulance service provider has a minimum of 120 days to submit a claim.

3. Exemption. This section does not apply to air ambulance services.

Sec. 4. 32 MRSA §86, sub-§1, ¶A is enacted to read:

A. The board shall adopt rules and protocols to evaluate the need for any new ambulance service in this State before granting a license under this subsection, including rules that provide an appeal process for any decision made by the board. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

This paragraph is repealed December 31, 2026.

Sec. 5. 32 MRSA §88, sub-§2, ¶K is enacted to read:

K. The board shall establish by rule a program for collecting and reporting cost and performance metrics related to emergency medical treatment services, including ambulance services. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 6. Review of financial health and costs of ambulance service providers and the delivery of services by ambulance service providers. The Emergency Medical Services' Board shall convene a stakeholder group, including representatives of the Maine Ambulance Association, municipal and private ambulance services, health insurance carriers and the Department of Professional and Financial Regulation, Bureau of Insurance, to review issues related to financial health and costs of ambulance service providers and

the delivery of services by ambulance service providers in this State, including issues related to the medical necessity and reasonableness of ambulance services. The stakeholder group shall consider and develop financial and cost reporting standards and other metrics related to the delivery and quality of ambulance services to measure and evaluate ambulance services in this State. The Emergency Medical Services' Board shall submit a report on the results of its review, including any recommendations, to the joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters no later than February 1, 2023. The joint standing committee may report out a bill based on the report to the First Regular Session of the 131st Legislature.

See title page for effective date.

**CHAPTER 242
H.P. 975 - L.D. 1323**

An Act To Maximize Service to Students by Adopting Conditional Allowances for Participation by Families of School Board Members in School Activities

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

Sec. 1. 20-A MRSA §1002, sub-§1, ¶A, as enacted by PL 1999, c. 128, §1, is amended to read:

A. "Employee" means a person who receives ongoing monetary payment or benefits, no matter the amount paid or hours worked, for personal services performed for a school administrative unit.

Sec. 2. 20-A MRSA §1002, sub-§1, ¶A-1 is enacted to read:

A-1. "Stipend employee" means a person who receives limited monetary payment or benefits, through a series of payments or in a lump sum, for personal services performed in an advisory, mentoring or coaching capacity for a school administrative unit.

Sec. 3. 20-A MRSA §1002, sub-§2, as amended by PL 1999, c. 128, §2, is further amended to read:

2. Employment by school administrative unit, school union, academy. A member of a school board or spouse of a member may not be an employee in a public school within the jurisdiction of the school board to which the member is elected or in a contract high school or academy located within a supervisory union in which the member is a representative on the union committee.

A. A school board may, but is not required to, permit the spouse of a member of the school board to serve as a stipend employee on a contractual basis when that action is in the best interest of students and a summation of potential conflicts of interest is documented and a priori mitigations are described in the signed contract. A school board may adopt a written policy on nepotism that includes hiring practices for school-sanctioned stipend positions, discourages favoritism and political patronage, considers the needs of the school system and provides that all qualified applicants have a fair and equal opportunity to be selected on merit, with priority consideration given to the best interest of students without restrictions based solely on family association.

This paragraph is repealed July 1, 2024.

Sec. 4. 20-A MRSA §1002, sub-§2-B is enacted to read:

2-B. Permissive volunteer placement by school administrative unit, school union, academy. Notwithstanding subsection 2-A, a school board may, but is not required to, permit a school board member's spouse to serve as a volunteer. A school board may adopt a written policy on nepotism to discourage favoritism and political patronage, consider the needs of the school system and provide that all volunteers have a fair and equal opportunity to be selected on merit, with priority consideration given to the best interest of students without restrictions based solely on family association.

This subsection is repealed July 1, 2024.

See title page for effective date.

**CHAPTER 243
S.P. 462 - L.D. 1412**

An Act To Update and Improve the MaineEARNs Database and Reconvene the State Education and Employment Outcomes Task Force

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

Sec. 1. 20-A MRSA §12902 is enacted to read: **§12902. Educational outcome database**

No later than January 1, 2022, and biennially thereafter, the Department of Labor, in consultation with the Department of Education and the task force, shall update the database.

Sec. 2. State Education and Employment Outcomes Task Force appointments. All appointments to the State Education and Employment