

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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**

2. **Rulemaking.** Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. ~~Rules adopted pursuant to this section must take effect January 1, 2016.~~

**Sec. 2. 34-A MRSA §1208-B, sub-§3** is enacted to read:

**3. Gender affirmation.** The standards, policies and procedures established pursuant to this section for the county jails and regional jail must require the jails to respect and acknowledge an incarcerated person's consistently held gender identity irrespective of anatomy or physique. Housing placements and search practices must be consistent with the person's consistently held gender identity except when such placement or search would present significant management or security problems to the jail or threaten the health and safety of the person. A person must have access to commissary items, clothing, personal property, programming and educational materials that are consistent with the person's consistently held gender identity. County and regional jail staff shall address a person in a manner that is consistent with the person's consistently held gender identity.

**Sec. 3. 34-A MRSA §3031, sub-§8,** as amended by PL 2019, c. 139, §2, is further amended to read:

**8. Visitation.** A reasonable opportunity to visit with relatives and friends, in accordance with departmental policies and institutional procedures, ~~provided~~ except that the department may restrict or prohibit visits when the restriction or prohibition is necessary for the security of the institution; ~~and~~

**Sec. 4. 34-A MRSA §3031, sub-§9,** as enacted by PL 2019, c. 139, §3, is amended to read:

**9. Menstrual products.** Comprehensive access to menstrual products, including, but not limited to, sanitary pads and tampons, provided and available at all times and without inconvenience or charge to a person who menstruates who resides in a correctional or detention facility; and

**Sec. 5. 34-A MRSA §3031, sub-§10** is enacted to read:

**10. Gender affirmation.** Have the person's consistently held gender identity respected and acknowledged, irrespective of anatomy or physique. Housing placements and search practices must be consistent with the person's consistently held gender identity except when such placement or search would present significant management or security problems to the correctional or detention facility or threaten the health and safety of the person. A person must have access to commissary items, clothing, personal property, programming and educational materials that are consistent with the person's consistently held gender identity. Correctional or detention facility staff shall address a person in

a manner that is consistent with the person's consistently held gender identity.

See title page for effective date.

---

---

**CHAPTER 264**

**S.P. 361 - L.D. 1100**

**An Act To Support the Continued Access to Solar Energy and Battery Storage by Maine Homes and Businesses**

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

**Sec. 1. 35-A MRSA §3474, sub-§3** is enacted to read:

**3. Interconnection rules.** The commission shall adopt rules related to the interconnection of renewable capacity resources, as defined in section 3210-C, subsection 1, paragraph E, using solar power to investor-owned transmission and distribution utilities, as defined in section 3201, subsection 11-A, in a manner that supports the goals in this section and ensures:

A. The State's interconnection rules reflect nationally recognized best practices;

B. Customers affected by deficiencies in the rules are able to access timely resolution processes that do not place an undue burden on the customer; and

C. Investments in investor-owned transmission and distribution utility distribution upgrades related to load are coordinated with utility infrastructure upgrades required for the interconnection of renewable capacity resources using solar power.

**Sec. 2. Solar energy resources interconnection evaluation.** The Public Utilities Commission shall contract with an expert to evaluate near-term reforms to the State's standards, practices and procedures related to the interconnection of renewable capacity resources as defined in the Maine Revised Statutes, Title 35-A, section 3210-C, subsection 1, paragraph E using solar power to investor-owned transmission and distribution utilities to:

1. Ensure that the timelines and requirements for interconnection do not unduly limit the ability of residential and nonresidential customers to install on-site solar energy generation and battery storage systems to offset a customer's electrical consumption and that interconnection costs for these customers are limited to interconnection facility upgrades and do not include the cost of distribution upgrades;

2. Improve the transparency of interconnection screens and upgrades for customer-sited generation; and

3. Ensure that dispute resolution processes for residential and nonresidential interconnection customers are fair and efficient and do not place a disproportionate burden of technical expertise and cost on these customers.

Within 6 months of the effective date of this Act, the commission shall conduct a proceeding and issue an order relating to the near-term reforms identified in the evaluation conducted under this section. Within one year of the effective date of this Act, the commission shall determine and adopt cost allocation methods for interconnection studies and upgrades that ensure on-site solar energy generators do not bear prohibitive costs for their projects to be studied by investor-owned transmission and distribution utilities and to be interconnected to the State's distribution system.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC UTILITIES COMMISSION**

**Public Utilities - Administrative Division 0184**

Initiative: Provides an allocation for contracted services for a solar resources interconnection evaluation.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$254,693	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$254,693	\$0

See title page for effective date.

**CHAPTER 265  
S.P. 378 - L.D. 1115**

**An Act To Improve Access to  
HIV Prevention Medications**

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

**Sec. 1. 22 MRSA §3174-M, sub-§1-A, ¶B,** as enacted by PL 2005, c. 386, Pt. X, §1, is amended to read:

B. Be structured to maintain at least the same therapeutic categories and pharmacological classes of drugs provided on the MaineCare preferred drug list in effect on July 1, 2005; ~~and~~

**Sec. 2. 22 MRSA §3174-M, sub-§1-A, ¶C,** as enacted by PL 2005, c. 386, Pt. X, §1, is amended by amending subparagraph (3) to read:

(3) Conform to national standards for the prescribing of atypical antipsychotic drugs; ~~and~~

**Sec. 3. 22 MRSA §3174-M, sub-§1-A, ¶D** is enacted to read:

D. With respect to HIV prevention drugs as defined in Title 24-A, section 4317-D, subsection 1, paragraph B:

- (1) Ensure that preexposure prophylaxis drugs are available; and
- (2) Ensure that post-exposure prophylaxis drugs are available in accordance with national standards for the prescribing of post-exposure prophylaxis drugs.

**Sec. 4. 24-A MRSA §4317-D** is enacted to read:

**§4317-D. Coverage of HIV prevention drugs**

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

A. "CDC guidelines" means guidelines related to the nonoccupational exposure to potential HIV infection, or any subsequent guidelines, published by the federal Department of Health and Human Services, Centers for Disease Control and Prevention.

B. "HIV prevention drug" means a preexposure prophylaxis drug, post-exposure prophylaxis drug or other drug approved for the prevention of HIV infection by the federal Food and Drug Administration.

C. "Post-exposure prophylaxis drug" means a drug or drug combination that meets the clinical eligibility recommendations provided in CDC guidelines following potential exposure to HIV infection.

D. "Preexposure prophylaxis drug" means a drug or drug combination that meets the clinical eligibility recommendations provided in CDC guidelines to prevent HIV infection.

**2. Coverage required.** A carrier offering a health plan in this State shall provide coverage for an HIV prevention drug that has been prescribed by a provider. Coverage under this section is subject to the following.

A. If the federal Food and Drug Administration has approved one or more HIV prevention drugs that use the same method of administration, a carrier is not required to cover all approved drugs as long as the carrier covers at least one approved drug for each method of administration with no out-of-pocket cost.

B. A carrier is not required to cover any preexposure prophylaxis drug or post-exposure prophylaxis drug dispensed or administered by an out-of-network pharmacy provider unless the enrollee's health plan provides an out-of-network pharmacy benefit.

C. A carrier may not prohibit, or permit a pharmacy benefits manager to prohibit, a pharmacy