

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

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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

CHAPTER 311
H.P. 701 - L.D. 945

An Act Regarding Notice by
Health Insurance Carriers of
Policy Changes

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

Sec. 1. 24-A MRSA §4303, sub-§9, as amended by PL 2007, c. 199, Pt. B, §11, is further amended to read:

9. Notice of amendments to provider agreements. A carrier offering or renewing a health plan in this State shall notify a participating provider of a proposed amendment to a provider agreement at least 60 days prior to the amendment's proposed effective date. If an amendment that has substantial impact on the rights and obligations of providers is made to a manual, policy or procedure document referenced in the provider agreement, such as material changes to fee schedules or material changes to procedural coding rules specified in the manual, policy or procedure document, the carrier shall provide 60 days' notice to the provider. After the 60-day notice period has expired, the amendment to a manual, policy or procedure document becomes effective and binding on both the carrier and the provider subject to any applicable termination provisions in the provider agreement, except that the carrier and provider may mutually agree to waive the 60-day notice requirement. This subsection may not be construed to limit the ability of a carrier and provider to mutually agree to the proposed change at any time after the provider has received notice of the proposed amendment. If the notice required by this subsection is provided by electronic communication, the subject line of the electronic communication must indicate that notice of an amendment to a provider agreement or manual, policy or procedure document is included in the communication and the notice of the amendment must be provided as an attachment to the communication, as a separate document.

Sec. 2. Application. This Act applies to any proposed amendment to a provider agreement or manual, policy or procedure document made by a carrier on or after January 1, 2022.

See title page for effective date.

CHAPTER 312
H.P. 967 - L.D. 1311

An Act Regarding the State
Employee Health Commission

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

Sec. 1. 5 MRSA §285, sub-§1-A, ¶D, as enacted by PL 1997, c. 652, §2 and affected by §4 and amended by PL 2007, c. 58, §3, is further amended to read:

D. If terminating employment but not retiring at that time, have 25 years of creditable service under chapter 423, subchapter ~~4~~ 4 and remain a member of the Maine Public Employees Retirement System, make a one-time election to continue coverage from the date of termination until retirement and pay the cost of the coverage plus the cost incurred by the ~~Division Office of State Employee Health Insurance and Wellness~~ in administering coverage under the plan. If a terminated employee who elects coverage under this paragraph fails to pay the cost of coverage and any administrative costs in the amount and manner determined by the ~~division office~~, the coverage may be cancelled in accordance with the requirements of Title 24 and Title 24-A. Regardless of election of coverage or cancellation of coverage under this paragraph, an employee terminating employment as provided in this paragraph may elect coverage upon retirement under paragraph E; or

Sec. 2. 5 MRSA §285-A, sub-§1, as amended by PL 1991, c. 780, Pt. Y, §25, is further amended to read:

1. Establishment. The State Employee Health Commission is established to serve as trustee of the group health plan in this subchapter and to ~~advise~~ provide counsel to the Executive Director of Employee Health Insurance and Wellness and the Director of the Bureau of Human Resources on health and dental insurance issues, the state living resources program and ~~the Director of the Bureau of Human Resources on other issues concerning employee health and wellness and the State Employee Assistance Program.~~

Sec. 3. 5 MRSA §285-A, sub-§2, ¶F, as amended by PL 1995, c. 97, §1, is further amended to read:

F. The Executive Director of Employee Health Insurance and Wellness, ex officio;

Sec. 4. 5 MRSA §286, first ¶, as amended by PL 1991, c. 780, Pt. Y, §26, is further amended to read:

The Commissioner of Administrative and Financial Services has responsibility for the state employee health insurance program through the ~~Division Office of State Employee Health Insurance and Wellness~~ that is established as part of the organization of the Bureau of Human Resources. The ~~division office~~ is headed by the Executive Director of Employee Health Insurance and Wellness. The executive director has responsibility for the daily operation of this program and for the development and maintenance of programs that promote the health and safety of the state employees. Program services must be administered through offices,

systems, consultants and staff necessary to provide cost-effective, accessible and responsive services to eligible employees and retirees. Administration of the program must be consistent with rules adopted by the State Employee Health Commission. The executive director and the staff of the state employee health insurance program are appointed in accordance with the Civil Service Law.

Sec. 5. 5 MRSA §286, 6th ¶, as amended by PL 1991, c. 780, Pt. Y, §27, is further amended to read:

A reserve fund, administered by the Executive Director of Employee Health Insurance and Wellness and the Director of the Bureau of Human Resources with approval of the Commissioner of Administrative and Financial Services, is created to protect the program from unexpected losses and self-insured losses and related expenses incurred in the provision of health and dental benefits for the eligible participants. The fund is a continuing fund and may not lapse. The Treasurer of State shall invest the fund. All proceeds of these investments accrue to the fund.

Sec. 6. 5 MRSA §286-M, sub-§2, ¶C, as enacted by PL 2005, c. 636, Pt. A, §3, is amended to read:

C. "Division" means the Department of Administrative and Financial Services, Division Office of State Employee Health Insurance and Wellness.

Sec. 7. 20-A MRSA §13451, sub-§3, as amended by PL 2013, c. 368, Pt. H, §3, is further amended by amending the last blocked paragraph to read:

For the fiscal years ending June 30, 2012, June 30, 2013, June 30, 2014 and June 30, 2015, the State's total cost for retired teachers' health insurance premiums is budgeted at the fiscal year 2010-11 funding level adjusted for projected membership growth. The increase in the State's total cost for retired teachers' health insurance premiums for fiscal years ending after June 30, 2015 is budgeted at no more than any percentage increase in the Consumer Price Index as defined in Title 5, section 17001, subsection 9 plus 3%. A provider of a health insurance benefit plan for retired teachers must make available data related to the provider's premium costs and any related data as requested by the Executive Director of Employee Health Insurance and Wellness within the Department of Administrative and Financial Services.

See title page for effective date.

CHAPTER 313 H.P. 996 - L.D. 1345

An Act To Implement the Recommendations of the Right To Know Advisory Committee

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 1 MRSA §408-A, sub-§8, ¶A, as enacted by PL 2011, c. 662, §5, is amended to read:

A. The agency or official may charge a reasonable fee to cover the cost of copying. A reasonable fee to cover the cost of copying is no more than 10¢ per page for a standard 8 1/2 inches by 11 inches black and white copy of a record. A per-page copy fee may not be charged for records provided electronically.

Sec. 2. 1 MRSA §411, sub-§2, ¶M, as amended by PL 2015, c. 250, Pt. A, §1, is further amended to read:

M. The Attorney General or the Attorney General's designee; ~~and~~

Sec. 3. 1 MRSA §411, sub-§2, ¶N, as enacted by PL 2015, c. 250, Pt. A, §2, is amended to read:

N. One member with broad experience in and understanding of issues and costs in multiple areas of information technology, including practical applications concerning creation, storage, retrieval and accessibility of electronic records; use of communication technologies to support meetings, including teleconferencing and Internet-based conferencing; databases for records management and reporting; and information technology system development and support, appointed by the Governor; ~~and~~

Sec. 4. 1 MRSA §411, sub-§2, ¶O is enacted to read:

O. One representative having legal or professional expertise in the field of data and personal privacy, appointed by the Governor.

Sec. 5. 1 MRSA §412, sub-§1, as amended by PL 2019, c. 300, §1, is further amended to read:

1. Training required. A public access officer and an official subject to this section shall complete a course of training on the requirements of this chapter relating