

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

of another parent of the child if that parent is a minor pursuant to Title 19-A, section 1658; and

B. Either:

(1) ~~The parent consents to the termination. Consent shall be after a judge has fully explained the effects of a termination order and such consent is written and voluntarily and knowingly executed in court before a judge. The judge shall explain the effects of a termination order; or~~

(2) The court finds, based on clear and convincing evidence, that:

(a) Termination is in the best interest of the child; and

(b) Either:

(i) The parent is unwilling or unable to protect the child from jeopardy and these circumstances are unlikely to change within a time which is reasonably calculated to meet the child's needs;

(ii) The parent has been unwilling or unable to take responsibility for the child within a time which is reasonably calculated to meet the child's needs;

(iii) The child has been abandoned; or

(iv) The parent has failed to make a good faith effort to rehabilitate and reunify with the child pursuant to section 4041-; or

(3) In the case of a petition brought as part of an adoption proceeding pursuant to Title 18-C, Article 9 or by a parent of the child or a parent or guardian of another parent of the child if that parent is a minor pursuant to Title 19-A, section 1658, the court finds that the applicable standards for termination of parental rights have been proven.

See title page for effective date.

**CHAPTER 341
S.P. 326 - L.D. 1036**

An Act To Allow a State Employee To Use a Federal Military Health Insurance Program and Reenroll upon Retirement in the State's Group Health Plan

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

Sec. 1. 5 MRSA §285, sub-§1, ¶G, as amended by PL 2019, c. 669, §1, is further amended by amending subparagraph (2) to read:

(2) After April 26, 1968, retire and who on the date of their retirement are currently enrolled in this group health plan as employees unless the employees meet the requirements in subsection 3-E;

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

B. If retiring but not retiring on a disability retirement, have participated, as an employee, in the group health plan for at least one year immediately prior to retirement except as provided in subsection 3-E;

Sec. 3. 5 MRSA §285, sub-§3-E is enacted to read:

3-E. Employees eligible for military health coverage may decline coverage and reenroll. An employee eligible for a group health plan under subsection 1 may elect to decline or withdraw from coverage under the plan as long as the employee demonstrates that the employee is eligible for coverage under the Civilian Health and Medical Program for the Uniformed Services, known as TRICARE, and to reenroll in the plan at a later date pursuant to the provisions of this subsection.

A. The employee must demonstrate that the employee was covered under the Civilian Health and Medical Program for the Uniformed Services, known as TRICARE, for at least 18 months immediately prior to reenrollment.

B. Any conditions on eligibility or coverage under subsection 1-A, paragraph D or E continue to apply at the time of reenrollment.

C. The employee may reenroll in the same contract type in which the employee was enrolled at the time the employee declined or withdrew from coverage.

D. An election under this subsection, which may be made only once, must be made either:

(1) Upon the termination of eligibility for coverage under a federal military health insurance program; or

(2) At the time of retirement.

E. If a spouse or dependent of the employee was enrolled in the plan at the time the employee withdrew pursuant to this subsection, the spouse or dependent may reenroll if the spouse or dependent meets the 18-month coverage criteria set forth in paragraph A.

See title page for effective date.

**CHAPTER 342
H.P. 771 - L.D. 1043**

**An Act Concerning the
Unannounced Execution of
Search Warrants**

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

Sec. 1. 25 MRSA §2803-B, sub-§1, ¶L, as amended by PL 2019, c. 411, Pt. C, §3 and affected by Pt. D, §3, is further amended to read:

L. Mental illness and the process for involuntary commitment, and the process pursuant to Title 34-B, section 3862-A; ~~and~~

Sec. 2. 25 MRSA §2803-B, sub-§1, ¶M, as enacted by PL 2013, c. 147, §20, is amended to read:

M. Freedom of access requests. The chief administrative officer of a municipal, county or state law enforcement agency shall certify to the board annually that the agency has adopted a written policy regarding procedures to deal with a freedom of access request and that the chief administrative officer has designated a person who is trained to respond to a request received by the agency pursuant to Title 1, chapter 13-; ~~and~~

Sec. 3. 25 MRSA §2803-B, sub-§1, ¶N is enacted to read:

N. Unannounced execution of search warrants.

See title page for effective date.

**CHAPTER 343
S.P. 357 - L.D. 1096**

**An Act To Clarify the Rule-
making Authority of the
Supreme Judicial Court
Concerning Electronic Records
and Filing**

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

Sec. 1. 4 MRSA §8-C, sub-§1, as enacted by PL 2015, c. 78, §1, is amended to read:

1. Rules and orders; processes and procedures. Notwithstanding any other provision of law, the Supreme Judicial Court may adopt rules and issue orders to permit or require the use of electronic forms, filings, records, e-mail and electronic signatures whenever paper forms, filings, records, written notice, postal mail and written signatures are required for judicial, legal or any other court-related process under the Maine Revised Statutes.

The Supreme Judicial Court, by rule, may determine any other processes or procedures appropriate to ensure adequate preservation, disposition, integrity, security, appropriate accessibility and confidentiality of the electronic records. After the effective date of the rules as adopted or amended, all laws in conflict with the rules are of no further effect.

See title page for effective date.

**CHAPTER 344
H.P. 828 - L.D. 1150**

**An Act To Phase Out
Insurance Rating Based on
Smoking History**

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

Sec. 1. 24-A MRSA §2736-C, sub-§2, ¶D, as amended by PL 2019, c. 5, Pt. A, §3, is further amended by amending subparagraph (8) to read:

(8) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State ~~on or after~~ between July 1, 2012 and December 31, 2022, the maximum rate differential due to tobacco use filed by the carrier as determined by ratio is 1.5 to 1, except that the carrier may not apply a rate differential pursuant to this subparagraph when the covered individual is participating in an evidence-based tobacco cessation strategy approved by the United