

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

(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

States Department of Health and Human Services, Food and Drug Administration. For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between January 1, 2023 and December 31, 2023, the maximum rate differential due to tobacco use filed by the carrier as determined by ratio is 1.25 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 States Department of Health and Human Services, Food and Drug Administration. For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2024, a carrier may not vary the premium rate due to tobacco use.

Sec. 2. 24-A MRSA §2808-B, sub-§2, ¶D, as amended by PL 2019, c. 5, Pt. A, §11, is further amended by amending subparagraph (9) to read:

(9) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State ~~on or after~~ between October 1, 2011 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 States Department of Health and Human Services, Food and Drug Administration. For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between January 1, 2023 and December 31, 2023, the maximum rate differential due to tobacco use filed by the carrier as determined by ratio is 1.25 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 States Department of Health and Human Services, Food and Drug Administration. For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2024, a carrier may not vary the premium rate due to tobacco use.

See title page for effective date.

**CHAPTER 345
S.P. 420 - L.D. 1268**

**An Act To Provide Greater
Access to Treatment for
Serious Mental Illness by
Restricting Prescription Drug
Utilization Management by an
Insurance Carrier**

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

Sec. 1. 24-A MRSA §4304, sub-§2-C is enacted to read:

2-C. Prior authorization of prescription drugs used for assessment and treatment of serious mental illness. Notwithstanding any requirement of this section to the contrary, a carrier shall approve a prior authorization request for medication on the carrier's prescription drug formulary that is prescribed to assess or treat an enrollee's serious mental illness. For the purposes of this subsection, "serious mental illness" means a mental disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, that results in serious functional impairment that substantially interferes with or limits one or more major life activities. The superintendent may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 24-A MRSA §4320-N, sub-§1, ¶D-1 is enacted to read:

D-1. "Serious mental illness" means a mental disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, that results in serious functional impairment that substantially interferes with or limits one or more major life activities.

Sec. 3. 24-A MRSA §4320-N, sub-§6, ¶B, as enacted by PL 2019, c. 295, §1 and reallocated by RR 2019, c. 1, Pt. A, §26, is amended by amending subparagraph (4) to read:

(4) The required prescription drug is not in the best interest of the enrollee, based on medical necessity; ~~or~~

Sec. 4. 24-A MRSA §4320-N, sub-§6, ¶B, as enacted by PL 2019, c. 295, §1 and reallocated by RR 2019, c. 1, Pt. A, §26, is amended by amending subparagraph (5) to read:

(5) The enrollee is stable on a prescription drug selected by the enrollee's health care pro-