

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

vider for the medical condition under consideration while on a current or previous health insurance or health plan; or

Sec. 5. 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 enacting a new subparagraph (6) to read:

(6) The prescription drug selected by the enrollee's health care provider is intended to assess or treat the enrollee's serious mental illness.

Sec. 6. Application. The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2022. For the purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

**CHAPTER 346
H.P. 979 - L.D. 1327**

**An Act To Create the Maine
Health Care Provider Loan
Repayment Program**

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

Sec. 1. 5 MRSA §12004-I, sub-§18-G is enacted to read:

18-G.

Education:	Maine Health Care	Not Authorized	20-A
Financial	Provider Loan		MRSA
Aid	Repayment Program		§12955
	Advisory Committee		

Sec. 2. 20-A MRSA c. 441 is enacted to read:

CHAPTER 441

**MAINE HEALTH CARE PROVIDER LOAN
REPAYMENT PROGRAM**

§12951. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Advisory committee. "Advisory committee" means the Maine Health Care Provider Loan Repayment Program Advisory Committee established in Title 5, section 12004-I, subsection 18-G.

2. Authority. "Authority" means the Finance Authority of Maine.

3. Direct care worker. "Direct care worker" means an individual who by virtue of employment generally provides to individuals direct contact assistance with personal care or activities of daily living or has direct access to provide care and services to clients, patients or residents regardless of setting. "Direct care worker" does not include a certified nursing assistant employed in that person's capacity as a certified nursing assistant.

4. Eligible student loan. "Eligible student loan" means a student loan obtained as a result of preparation for a health care profession as determined by the authority by rule.

5. Fund. "Fund" means the Maine Health Care Provider Loan Repayment Program Fund established in section 12953.

6. Health care provider. "Health care provider" means a person licensed or certified by this State as a medical, dental or behavioral health practitioner and performing within the scope of the person's practice as defined by state law or a person with a professionally recognized medical, dental or behavioral health credential.

7. Program. "Program" means the Maine Health Care Provider Loan Repayment Program established in section 12952.

8. Underserved area. "Underserved area" means an area in the State that is a health professional shortage area or medically underserved area or that contains a medically underserved population, as those terms are defined by the federal Department of Health and Human Services, Health Resources and Services Administration.

§12952. Maine Health Care Provider Loan Repayment Program established

The Maine Health Care Provider Loan Repayment Program is established within the Finance Authority of Maine for the purpose of increasing the number of health care providers practicing in the State.

§12953. Maine Health Care Provider Loan Repayment Program Fund

1. Fund created. The Maine Health Care Provider Loan Repayment Program Fund is established in the authority as a nonlapsing, interest-earning, revolving fund to carry out the purposes of this chapter. The fund consists of any funds appropriated, allocated or contributed from private or public sources, including from state and federal sources, and any existing funding for authority programs that, at the discretion of the authority, may be combined with the program. The funds, to be accounted within the authority, must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any unexpended balances remaining in the fund at the end of any

fiscal year do not lapse and must be carried forward to the next fiscal year.

2. Fund administration. The authority may receive, invest and expend on behalf of the fund money from gifts, grants, bequests and donations in addition to money appropriated or allocated by the State and any federal funds received by the State for the benefit of health care providers who have outstanding eligible student loans. Money received by the authority on behalf of the fund must be used for the purposes of this chapter. The fund must be maintained and administered by the authority. Any unexpended balance in the fund carries forward for continued use under this chapter, except for federal funds that must be expended according to guidelines issued by the Federal Government governing the use of those funds.

3. Fund expenses. Costs and expenses of maintaining, servicing and administering the fund and of administering the program may be paid out of amounts in the fund.

§12954. Program eligibility

1. Application. To be considered for an award under this chapter, as part of the application, the applicant must:

A. Submit documentation, in a manner identified by the authority, validating:

- (1) The applicant's original eligible student loan balance upon graduation;
- (2) The current balance owed on the eligible student loan, including principal and interest;
- (3) Current payment amounts on the eligible student loan, including information on any federal student loan repayment plan described in 20 United States Code, Section 1098e;
- (4) For federal loans, information regarding the applicant's expected eligibility for the federal loan forgiveness program described in 34 Code of Federal Regulations, Section 685.219; and
- (5) Loans related to expenses for a health care professional who was trained or has credentials in a country other than the United States and its territories and who is working towards a professional license in this State, as determined by the advisory committee;

B. Submit an employer certification form certifying the applicant's employment status and salary or hourly wage; and

C. Submit a signed statement of intent in a form acceptable to the authority to work in the applicant's identified health care profession in the State for a minimum of 3 years after acceptance into the program.

2. Eligibility. To be considered for an award under this chapter, the applicant:

A. Must be a current resident of the State or become a resident of the State within 6 months of being selected as a recipient under the program;

- B. Must, as determined by the authority:
 - (1) Be currently practicing as an eligible health care provider in the State; or
 - (2) Within 6 months of being selected as a recipient under the program, begin practicing as an eligible health care provider in the State;

C. Must possess an outstanding eligible student loan; and

D. May not be a current beneficiary of a state or federal loan repayment program. Applicants who were formerly beneficiaries of a state or federal loan repayment program or who intend to participate in such programs following completion of their 3-year commitment under this chapter are eligible to apply for an award.

§12955. Maine Health Care Provider Loan Repayment Program Advisory Committee

The Maine Health Care Provider Loan Repayment Program Advisory Committee is established pursuant to Title 5, section 12004-I, subsection 18-G to make recommendations to the authority regarding the administration of the program.

1. Membership. The advisory committee consists of:

A. The State Economist, serving in an ex officio capacity;

B. A representative of the Department of Health and Human Services, appointed by the Commissioner of Health and Human Services; and

C. The following members, selected by and serving at the pleasure of the chief executive officer of the authority:

- (1) Two representatives of organizations that provide primary and specialized health care services in multiple locations across the State, at least one of which must be an organization that provides services in rural areas;
- (2) An individual, not employed by the State, who is an expert in the State's workforce;
- (3) A representative of a college or university with a degree-granting program in a health care profession;
- (4) A representative of an organization representing the interests of hospitals based in the State;

(5) A representative of an organization representing the interests of federally qualified health centers, as defined in 42 United States Code, Section 1395x(aa) (1993), based in the State;

(6) An individual representing the interests of health care professionals in the field of oral health;

(7) An individual representing the interests of health care professionals in the field of behavioral health;

(8) An individual representing the interests of health care professionals in the field of physical health;

(9) An individual representing or designated by the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations established under Title 5, section 25001;

(10) An individual representing health care professionals who were trained in or have credentials from a country other than the United States and its territories; and

(11) An individual representing direct care workers.

2. Duties. The advisory committee shall:

A. Make recommendations regarding the administration of the program;

B. Make recommendations for priority occupations for awards for the next application cycle; and

C. Make recommendations for a point system to determine awards based on, at a minimum, the following criteria:

- (1) Priority and nonpriority occupations;
- (2) Work location and whether or not the location is an underserved area, except as applied to nurse educators; and
- (3) Student income-to-debt ratios.

§12956. Awards

1. Publication of priority occupations. The authority shall publicize, using a method determined by the authority and taking into consideration the recommendations of the advisory committee, the priority occupations for the upcoming application cycle.

2. Application cycle. The authority shall publicize the dates and deadlines of the application cycle using a method determined by the authority.

3. Award amounts. The authority shall maintain financial projections and, based on the recommendations of the advisory committee, establish the targeted number of annual awards to be made to applicants each year who meet the criteria described in section 12954.

In accordance with the priority occupations and point system established by the advisory committee pursuant to section 12955, subsection 2, an annual award may not:

A. Exceed \$30,000 annually;

B. Exceed \$90,000 in aggregate or 50% of a recipient's outstanding eligible student loan debt at the time of application to the program, whichever is less; or

C. Be awarded to a recipient for more than 3 years total.

4. Nurse educators and direct care workers.

The authority and the advisory committee shall ensure that nurse educators and direct care workers are included among the occupations considered each year for priority consideration.

§12957. Annual recertification and limitations

In order to remain eligible for an award, a recipient must annually submit to the authority an employer certification form certifying the recipient's employment status and salary or hourly wage.

§12958. Rulemaking

The authority shall adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 3. Notification. The Finance Authority of Maine shall notify the joint standing committee of the Legislature having jurisdiction over innovation, development, economic advancement and business matters upon the capitalization of the Maine Health Care Provider Loan Repayment Program Fund pursuant to this Act.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

FINANCE AUTHORITY OF MAINE

Maine Health Care Provider Loan Repayment Program Fund N324

Initiative: Provides base allocations to authorize the expenditure of funds received from private and public sources for the repayment of student loans for eligible health care providers and to pay the administrative costs of the fund.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

Maine Health Care Provider Loan Repayment Program Fund N324

Initiative: Provides base allocations to authorize the expenditure of funds received from federal sources for the repayment of student loans for eligible health care providers.

FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$500	\$500
FEDERAL EXPENDITURES FUND TOTAL	\$500	\$500
FINANCE AUTHORITY OF MAINE DEPARTMENT TOTALS	2021-22	2022-23
FEDERAL EXPENDITURES FUND	\$500	\$500
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
DEPARTMENT TOTAL - ALL FUNDS	\$1,000	\$1,000

See title page for effective date.

**CHAPTER 347
H.P. 980 - L.D. 1328**

An Act To Protect Maine Electricity Customers from Threats of Disconnection in the Wintertime

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

Sec. 1. 35-A MRSA §717 is enacted to read:

§717. Winter terminations

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

A. "Disconnection prohibition period" means any time between November 15th and April 15th, or during any other period when, pursuant to rules adopted under section 704, the commission has prohibited a transmission and distribution utility from disconnecting residential customers or prohibited such disconnections without the permission from the consumer assistance and safety division.

B. "Residential customer" includes any customer account to which electric service is provided for residential purposes, regardless of whether the electricity received under that account is also used for business purposes.

2. Notice of winter disconnection. During a disconnection prohibition period, a transmission and distribution utility may not send or deliver, orally, on paper

or electronically, to any residential customer of the utility any notice or communication that:

A. Provides for disconnection of the customer's electric service on a specified date or within a specified interval of time during a disconnection prohibition period, unless the utility has received the prior permission of the consumer assistance and safety division to make the disconnection on the specified date or within the specified interval of time; or

B. Makes any reference to disconnection or involuntary termination of the customer's electric service during a disconnection prohibition period, unless the notice or communication includes a prominent statement that disconnection of a residential customer's electric service during the disconnection prohibition period cannot take place without the advance permission of the consumer assistance and safety division, that the customer will be notified of any request for such permission and that the customer will have the opportunity to be heard by the consumer assistance and safety division.

3. Past due accounts; assistance programs. Notwithstanding any provision of law to the contrary, the notice permitted under subsection 2 to a residential customer from a transmission and distribution utility is deemed a notice of disconnection for the purpose of establishing eligibility for certain emergency assistance programs, including, but not limited to, the emergency general assistance described in Title 22, chapter 1161 and the fuel assistance described in Title 30-A, chapter 201, subchapter 13.

4. Violation; penalties. A transmission and distribution utility that violates this section is subject to a civil penalty not to exceed \$2,500, payable to the customer to whom the prohibited communication is sent. This penalty is recoverable in a civil action and is in addition to any other remedies to which the customer may be entitled.

See title page for effective date.

**CHAPTER 348
H.P. 987 - L.D. 1336**

An Act To Discontinue the Use of the Terms "Handicap," "Handicapped" and "Hearing Impaired" in State Laws, Rules and Official Documents

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

Sec. 1. 5 MRSA §782, as amended by PL 1985, c. 388, §1, is further amended to read: