

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

the Legislature having jurisdiction over health coverage matters and to confirmation by the Legislature, as follows:

- A. Five patient members who would not otherwise qualify for appointment as a member described in paragraph B or C;
- B. Five employer members; and
- C. Seven health care providers as follows:
 - (1) Two physicians, at least one of whom must be a primary care physician;
 - (2) One registered nurse;
 - (3) One mental health provider;
 - (4) One dentist;
 - (5) One integrative medicine provider; and
 - (6) One health care facility director.

3. Term and compensation; selection of chair. Maine Health Care Board members serve 4-year terms. Board members shall set the board's compensation at an amount not to exceed the compensation of Public Utilities Commission members. The board shall select a chair from its membership.

4. General duties. The Maine Health Care Board shall:

- A. Ensure that all of the requirements of this chapter are met;
- B. Conduct or contract for any necessary actuarial and economic analyses needed to support the development of a plan pursuant to section 7502 that meets all requirements of this chapter and in federal law;
- C. Hire any necessary staff;
- D. Collaborate with the Maine Health Data Organization and the Maine Quality Forum to assist the board in carrying out the purposes of this chapter;
- E. Establish a detailed timeline for implementation and submit for federal approval any necessary waivers for the plan under section 7502;
- F. Upon federal approval of a waiver pursuant to paragraph E or, if required by federal law or regulation, prior to submission of a waiver application, make recommendations to implement the plan under section 7502, including necessary statutory changes to establish requirements for benefits under the plan; eligibility for the plan; provider participation and payments; and financing for the plan. The joint standing committee of the Legislature having jurisdiction over health coverage matters shall report out legislation based on the board's recommendations to any regular or special session of the Legislature;

G. Once implemented, administer all aspects of the plan under section 7502;

H. Conduct activities the board considers necessary to carry out the purposes of this chapter; and

I. Adopt rules as necessary to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 24-A, section 7503, subsection 3, with regard to the original appointments of the members of the Maine Health Care Board, within 60 days of the effective date of this Act, the Governor shall appoint 4 members for a 2-year term, 5 members for a 3-year term and the 8 remaining members for a 4-year term.

Sec. 4. Contingent effective date. This Act does not take effect unless:

1. Federal law is enacted that authorizes a state to obtain a waiver to establish a state-based universal health care plan and to receive federal financing for that plan; and

2. The Superintendent of Insurance within the Department of Professional and Financial Regulation notifies the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes that the contingency set forth in subsection 1 has been met.

See title page for effective date, unless otherwise indicated.

CHAPTER 392

S.P. 403 - L.D. 1236

An Act Authorizing the Attorney General To Enter into Contingent Fee Agreements

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

Sec. 1. 5 MRSA §131, sub-§3 is enacted to read:

3. Private counsel contingent fee agreements. Notwithstanding subsection 1 or any provision of law to the contrary, the Attorney General may employ private counsel on a contingent fee basis and may deduct from funds recovered by private counsel on behalf of the State such amounts as the Attorney General determines are due and owed under the terms of a contingent fee agreement and remit such amounts to private counsel.

See title page for effective date.
