

# 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.**

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**Augusta, Maine**  
**2021**

Sec. UUUU-4. 21-A MRSA §753-A, sub-§9 is enacted to read:

**9. Telephone and e-mail contact information.** In addition to any required information, a voter applying for an absentee ballot or an ongoing absentee ballot must be asked to provide that voter's telephone number and e-mail address, if available.

Sec. UUUU-5. 21-A MRSA §753-B, sub-§1, as amended by PL 2021, c. 273, §16, is further amended to read:

**1. Application or written request received Issuance of absentee ballots.** Upon receipt of an application or written request for an absentee ballot that is accepted pursuant to section 753-A, and after the official ballots become available, the clerk shall immediately issue an absentee ballot and return envelope by mail or in person to the applicant or to the immediate family member or to a 3rd person designated in a written application or request made by the voter, except as provided in subsection 2. Upon receipt of the official ballots, the clerk shall immediately issue an absentee ballot and return envelope by mail to any voter who has qualified for ongoing absentee voter status under section 753-A, subsection 7. The clerk shall type or write in ink the name and the residence address of the voter in the designated section of the return envelope. The clerk may not make any mark visible on the outside of the return envelope for use in a general election that indicates the political party of the voter to whom an absentee ballot is issued.

Sec. UUUU-6. **Membership agreement with Electronic Registration Information Center, Inc.** By January 1, 2023, the Secretary of State shall enter into a membership agreement with the Electronic Registration Information Center, Inc. on behalf of the State pursuant to the Maine Revised Statutes, Title 21-A, section 161, subsection 2-B. The agreement must include terms providing for the periodic sharing of information, including, but not limited to, voter names and addresses, between the Electronic Registration Information Center, Inc. and the central voter registration system of the Department of the Secretary of State.

Sec. UUUU-7. **Effective date.** That section of this Part that enacts the Maine Revised Statutes, Title 21-A, section 161, subsection 2-B takes effect January 1, 2023. Those sections of this Part that enact Title 21-A, section 753-A, subsections 8 and 9 and those sections of this Part that amend Title 21-A, section 752, subsection 3 and section 753-B, subsection 1 take effect November 1, 2023.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

Effective July 1, 2021, unless otherwise indicated.

**CHAPTER 399  
H.P. 52 - L.D. 86**

**An Act To Make Sales to Area Agencies on Aging Tax-exempt**

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

Sec. 1. 36 MRSA §1760, sub-§107 is enacted to read:

**107. Area agency on aging.** Beginning January 1, 2022, sales to an area agency on aging designated under Title 22, section 5116, subsection 1, paragraph B, or sales to a public or nonprofit private agency that is operating under grants authorized by Title 22, chapter 1457, that is providing social services in order to secure and maintain maximum independence and dignity in a home environment for older people capable of self-care with appropriate supportive services.

See title page for effective date.

**CHAPTER 400  
S.P. 51 - L.D. 121**

**An Act To Require a Background Check for High-risk Health Care Providers under the MaineCare Program**

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

Sec. 1. 22 MRSA §5307 is enacted to read:

**§5307. Background check for high-risk provider applicants under the MaineCare program**

**1. Definition.** As used in this section, unless the context otherwise indicates, "State Police" means the Department of Public Safety, Bureau of State Police.

**2. Background check.** The department shall request a background check for MaineCare provider applicants who are high-risk providers or in high-risk provider categories as those terms are defined by department rule. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

C. A provider applicant shall submit to having fingerprints taken. The State Police, upon payment by the provider applicant, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

E. State and national criminal history record information of a provider applicant must be used by the department for the purpose of screening that provider applicant.

F. Information obtained pursuant to this subsection is confidential. The results of background checks received by the department are for official use only and may not be disseminated to any other person or entity.

G. An individual whose enrollment as a MaineCare provider has expired and who has not applied for renewal may request in writing that the State Bureau of Identification remove the individual's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the individual's fingerprints from the fingerprint file and provide written confirmation of that removal.

3. Rules. The department, following consultation with the State Bureau of Identification, shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 25 MRSA §1542-A, sub-§1, ¶V is enacted to read:

V. Who is required to have a criminal history record check under Title 22, section 5307.

Sec. 3. 25 MRSA §1542-A, sub-§3, ¶U is enacted to read:

U. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph V at the request of that person or the

Department of Health and Human Services pursuant to Title 22, section 5307.

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

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Office of MaineCare Services 0129

Initiative: Provides one-time funding for technological changes required in the Maine Integrated Health Management Solution computer system.

GENERAL FUND	2021-22	2022-23
All Other	\$23,579	\$0
GENERAL FUND TOTAL	\$23,579	\$0
FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$70,736	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$70,736	\$0

See title page for effective date.

CHAPTER 401

S.P. 78 - L.D. 190

An Act To Amend the Laws Governing Retirement Benefit Reductions for Corrections Officers Currently Included in the 1998 Special Plan

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

Sec. 1. Computation of service retirement benefits for certain employees of the Department of Corrections. Notwithstanding the Maine Revised Statutes, Title 5, section 17851-A, subsection 4 or any other provision of law to the contrary, the service retirement benefit of a qualified member must be computed on the basis of all of the qualified member's creditable service in the capacity specified in Title 5, section 17851-A, subsection 1, paragraph I, regardless of when that creditable service was earned, except that for a member qualifying for a retirement benefit under Title 5, section 17851-A, subsection 2, paragraph B:

1. If the member had 10 years of creditable service on July 1, 1993, the benefit must be reduced as provided in Title 5, section 17852, subsection 3, paragraphs A and B for each year the member's age precedes 55 years of age; or