

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

Sec. B-4. Development of multipayor provider database. In accordance with the Maine Revised Statutes, Title 22, section 8719, the Maine Health Data Organization shall develop a plan, in collaboration with the Department of Health and Human Services, payors, providers, health care purchasers and representatives of consumers, to develop a broad, multipayor provider database. The organization's objective is to develop reporting, use and structure requirements for the multipayor provider database that will enable carriers to fulfill their obligation to provide timely and accurate provider directories without placing undue, additional administrative burdens on providers and to improve the accuracy and mapping of such data for analytic, consumer service and provider identification and referral purposes. The organization shall consult with other state and national agencies and organizations to determine best and promising practices for the development of the database. The organization shall submit the plan, its findings and any recommendations for suggested legislation to the Joint Standing Committee on Health Coverage, Insurance and Financial Services no later than February 1, 2022. The committee may report out legislation based upon the report to the Second Regular Session of the 130th Legislature.

See title page for effective date.

CHAPTER 424

H.P. 436 - L.D. 593

An Act To Restore Eelgrass Mapping and Enhance Salt Marsh Vegetation Mapping in the State

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

Sec. 1. 38 MRSA §1805 is enacted to read:

§1805. Eelgrass and salt marsh vegetation mapping

In accordance with the requirements of this section and in consultation with the Department of Marine Resources, the department shall establish and administer an eelgrass and salt marsh vegetation mapping program. For the purposes of this section, "eelgrass" means the flowering marine plant species *Zostera marina* that is primarily found in shallow, protected intertidal and subtidal locations in the State. For the purposes of this section, "salt marsh vegetation" means salt-tolerant vegetation that contains a mixture of graminoids and forbs and sometimes includes cordgrasses.

1. Mapping procedures. The department shall in accordance with the schedule in subsection 3 facilitate the production and update of eelgrass and salt marsh vegetation distribution maps for eelgrass beds and salt marsh vegetation within the State. The data collected and the maps produced and updated in accordance with

this section must, to the maximum extent practicable, be compatible with the State's geographic information system.

2. Eelgrass and Salt Marsh Vegetation Mapping Fund. The Eelgrass and Salt Marsh Vegetation Mapping Fund is created within the department as a nonlapsing dedicated fund to support the establishment and administration of the eelgrass and salt marsh vegetation mapping program required under this section. The fund may accept revenue from grants, bequests, gifts or contributions from any source, public or private.

3. Mapping schedule. The mapping of eelgrass beds and salt marsh vegetation required under this section must be conducted in accordance with the following schedule, as department resources allow.

A. No later than November 1, 2023, mapping must be completed for that portion of the coast from Phippsburg to St. George and must be updated every 5 years thereafter.

B. No later than November 1, 2024, mapping must be completed for that portion of the coast from St. George to Brooklin and must be updated every 5 years thereafter.

C. No later than November 1, 2025, mapping must be completed for that portion of the coast from Brooklin to Jonesport and must be updated every 5 years thereafter.

D. No later than November 1, 2026, mapping must be completed for that portion of the coast from Jonesport to Calais and must be updated every 5 years thereafter.

E. No later than November 1, 2027, mapping must be completed for that portion of the coast from Elliot to Phippsburg and must be updated every 5 years thereafter.

4. Availability of data and maps. The department shall make available on its publicly accessible website the data collected and maps produced and updated under this section.

5. Report. On or before March 1, 2024, and biennially thereafter, the department shall submit to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters a report summarizing the data collected and maps produced and updated under this section and including an analysis, if available, of the changes to the eelgrass beds and salt marsh vegetation within the State that are demonstrated by the data collected and maps produced under this section

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Eelgrass and Salt Marsh Vegetation Mapping Fund N302

Initiative: Provides an allocation to accept grants, bequests, gifts or contributions from any source, public or private, to support the administration of the eelgrass and salt marsh vegetation mapping program.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

Water Quality 0248

Initiative: Provides appropriations for one Biologist II position and one Environmental Technician position and All Other costs.

GENERAL FUND	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$191,551
All Other	\$0	\$6,292
GENERAL FUND TOTAL	\$0	\$197,843

Water Quality 0248

Initiative: Provides appropriations for aerial imagery acquisition and processing and annual equipment maintenance and replacement.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$86,671
GENERAL FUND TOTAL	\$0	\$86,671

ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS

	2021-22	2022-23
GENERAL FUND	\$0	\$284,514
OTHER SPECIAL REVENUE FUNDS	\$0	\$500
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$285,014

See title page for effective date.

**CHAPTER 425
H.P. 446 - L.D. 610**

An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee

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

Sec. 1. 26 MRSA §635, as enacted by PL 1989, c. 804, is amended to read:

§635. Overcompensation by employer

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

A. "Net amount" means the amount of money due an employee as compensation after any deductions or withholdings other than an employer's withholding for the purpose of recovering any overcompensation.

A-1. "Employer" means a person in this State that employs individuals and includes the State and political subdivisions of the State. "Employer" includes a person acting in the interest of an employer directly or indirectly.

B. "Overcompensation" means any compensation paid to an employee that is greater than that to which the employee is entitled under the compensation system established by the employer, but does not include fringe benefits, paid leave, awards, bonuses, settlements or insurance proceeds in respect to or in lieu of compensation, expense reimbursements, commissions or draws or advances against compensation.

C. "Paid leave" has the same meaning as in section 636, subsection 1, paragraph C.

2. Recovery of overcompensation; limitations. An employer who has overcompensated an employee through employer error may not withhold more than ~~10%~~ 5% of the net amount of any subsequent pay without the employee's written permission, except that, if the employee voluntarily terminates employment, the employer may deduct the full amount of overcompensation from any wages due. An employer who has overcompensated an employee through employer error may not recover more than the amount of overcompensation paid to that employee in the 3 years preceding the date of discovery of the overcompensation.

3. Violation. If an employer with over 25 employees violates this section, that employer forfeits any claim to the overcompensation.

If an employer with 25 or fewer employees knows of the ~~limitation~~ limitations established by subsection 2 and violates this section, that employer forfeits any claim to the overcompensation. ~~Employers~~ An employer of 25 or fewer employees who ~~do~~ does not know of the ~~limitation~~ limitations established by subsection 2 and who ~~violate~~ violates this section shall return all money withheld in excess of that permitted under subsection 2 within 3 days of written or oral demand by the employee, or ~~forfeit~~ forfeits any claim to the overcompensation.

4. Application. This section is applied as follows.