

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

GENERAL FUND	\$720,976	\$981,295
FEDERAL EXPENDITURES FUND	\$500	\$500
OTHER SPECIAL REVENUE FUNDS	\$50,500	\$50,500
DEPARTMENT TOTAL - ALL FUNDS	<u>\$771,976</u>	<u>\$1,032,295</u>
SECTION TOTALS	2021-22	2022-23
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
SECTION TOTAL - ALL FUNDS	<u>\$500</u>	<u>\$500</u>

See title page for effective date.

**CHAPTER 437
H.P. 774 - L.D. 1046**

An Act To Create an Income Tax Return Checkoff for Hunger Prevention

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

Sec. 1. 12 MRSA §5018 is enacted to read:

§5018. Emergency Food Assistance Program Fund

1. Fund established. The Emergency Food Assistance Program Fund, referred to in this section as "the fund," is established as a nonlapsing fund to support the emergency food assistance program administered by the Department of Agriculture, Conservation and Forestry, referred to in this section as "the department." Money in the fund must be expended as allocated by the Legislature for the purposes of the fund and may be invested as provided by law. Interest on investments must be credited to the fund.

2. Use of fund. Amounts available in the fund must be used to support the emergency food assistance program administered by the department.

3. Administration. The department shall administer the fund and shall adopt rules as necessary to administer the fund. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

4. Income tax check-off funding. Revenue collected from the income tax checkoff pursuant to Title 36, section 5293 must be credited to the fund.

5. Other funds. The fund may receive money from any source, including grants, gifts, bequests and donations.

Sec. 2. 36 MRSA §5283-A, sub-§1, as amended by PL 2019, c. 433, §2, is further amended to read:

1. Minimum threshold for total contributions.

The State Tax Assessor may not include on an individual income tax return form a designation for a taxpayer to make a contribution through a checkoff under section 5284, 5284-A, 5285, 5288-A, 5289, 5291 ~~or~~ 5292 or 5293 unless on returns filed in the prior calendar year the total contributions to the organization or fund to which the contributions are credited under the applicable section are at least:

- A. For calendar year 2012, \$10,000;
- B. For calendar year 2013, \$13,000;
- C. For calendar year 2014, \$16,000;
- D. For calendar year 2015, \$19,000;
- E. For calendar year 2016, \$22,000; and
- F. For calendar years beginning on or after January 1, 2017, \$25,000.

This subsection does not apply to a contribution checkoff that has been on the individual income tax form for less than one year.

Sec. 3. 36 MRSA §5293 is enacted to read:

§5293. Emergency food assistance program; voluntary checkoff

1. Emergency food assistance program. When filing a return, a taxpayer entitled to a refund under this Part may designate that a portion of that refund be paid into the Emergency Food Assistance Program Fund established in Title 12, section 5018. A taxpayer who is not entitled to a refund under this Part may contribute to the Emergency Food Assistance Program Fund by including with that taxpayer's return sufficient funds to make the contribution. The contribution may not be less than \$5. Each individual income tax return form must contain a designation in substantially the following form: "Emergency Food Assistance Program Fund: () \$5, () \$10, () \$25 or () Other \$...."

2. Contributions credited to Emergency Food Assistance Program Fund. The State Tax Assessor shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, the State Tax Assessor shall deduct the cost of administering the Emergency Food Assistance Program Fund checkoff and report the remainder to the Treasurer of State, who shall forward that amount to the Emergency Food Assistance Program Fund.

Sec. 4. Application. This Act applies to tax years beginning on or after January 1, 2022.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

**CHAPTER 438
H.P. 793 - L.D. 1064**

Revenue Services, Bureau of 0002

Initiative: Provides funding for costs related to creating and administering an income tax checkoff for hunger prevention.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$14,855
GENERAL FUND TOTAL	\$0	\$14,855

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

	2021-22	2022-23
GENERAL FUND	\$0	\$14,855
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$14,855

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Emergency Food Assistance Program Fund N361

Initiative: Provides allocations to establish the Emergency Food Assistance Program Fund to be used to support emergency food assistance administered by the Department of Agriculture, Conservation and Forestry.

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

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF DEPARTMENT TOTALS

	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
DEPARTMENT TOTAL - ALL FUNDS	\$500	\$500

SECTION TOTALS	2021-22	2022-23
GENERAL FUND	\$0	\$14,855
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
SECTION TOTAL - ALL FUNDS	\$500	\$15,355

See title page for effective date.

An Act To Advance Palliative Care Utilization in the State

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

Sec. 1. 22 MRSA §3174-FFF is enacted to read:

§3174-FFF. Palliative care reimbursement

1. Reimbursement. The department shall provide reimbursement under the MaineCare program for palliative care for the entire interdisciplinary team as appropriate to the plan of care, regardless of setting, including hospitals, nursing homes, outpatient clinics and home care providers. For the purposes of this section, "palliative care" has the same meaning as in section 1726.

2. Rules. The department shall adopt rules to implement this section. The rules must include, but are not limited to, reimbursement policies and quality control measures that ensure and promote high-value palliative care under the MaineCare program. The department shall use national standards for quality palliative care in the development of the rules. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Stakeholder group. The department shall periodically convene a stakeholder group that includes the Palliative Care and Quality of Life Interdisciplinary Advisory Council established in Title 5, section 12004-I, subsection 47-I and representatives of organizations representing palliative care, home care and hospice providers to advise the department on educational materials and outreach related to this section.

Sec. 2. Rulemaking; national standards. In developing rules pursuant to the Maine Revised Statutes, Title 22, section 3174-FFF, subsection 2, the Department of Health and Human Services shall consider national standards such as the Clinical Practice Guidelines for Quality Palliative Care developed by the National Coalition for Hospice and Palliative Care.

Sec. 3. State plan amendment. The Department of Health and Human Services shall submit to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services any state plan amendments necessary to implement the requirements of the Maine Revised Statutes, Title 22, section 3174-FFF.

See title page for effective date.