

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

or other financial benefit and the current value of already existing stock holdings, in addition to any direct financial benefit deriving from the results or findings of a study or determination by or for the advisory council.

§3124. Annual public hearing

Beginning in 2022, the office shall convene an annual public hearing on cost trends no later than October 1st. The hearing must provide an opportunity for public comment on health care cost trends. The executive director shall preside over the hearing.

§3125. Annual report

No later than January 1, 2023 and annually thereafter, the office shall submit a report to the Governor, the legislative oversight committee and the advisory council of its findings in accordance with this chapter. The report must include a summary of comments received at the annual public hearing convened under section 3124.

Sec. 4. 5 MRSA §12004-I, sub-§31-B is enacted to read:

31-B.

<u>Health</u>	<u>Advisory Council on</u>	<u>Expenses</u>	<u>5 MRSA</u>
<u>Care</u>	<u>Affordable Health Care</u>	<u>Only</u>	<u>§3123</u>

Sec. 5. Annual reports for 2023 and 2024.

The annual reports due pursuant to the Maine Revised Statutes, Title 5, section 3125 for the calendar years 2023 and 2024 must include, in addition to the requirements contained in section 3125, recommendations to the joint standing committees of the Legislature having jurisdiction over health coverage, insurance and health and human services matters regarding how to ensure appropriate public health infrastructure throughout the State and how to develop the most effective consumer resource for health care issues that extend beyond access to health insurance coverage.

Sec. 6. Staggered terms; Advisory Council on Affordable Health Care.

Notwithstanding the Maine Revised Statutes, Title 5, section 3123, subsection 3, of the members initially appointed to the Advisory Council on Affordable Health Care, 4 members must be appointed to serve initial terms of 2 years, 4 members must be appointed to serve initial terms of 3 years and 3 members must be appointed to serve initial terms of 4 years.

Sec. 7. Transfer from Bureau of Insurance.

Notwithstanding any provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer \$291,382 from the Department of Professional and Financial Regulation, Bureau of Insurance Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

Sec. 8. Transfer from Medical Use of Marijuana Fund. Notwithstanding any provision of law to the contrary, on or before June 30, 2023, the State Controller shall transfer \$403,831 from the Department of Administrative and Financial Services, Medical Use of Marijuana Fund Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

See title page for effective date.

CHAPTER 460

H.P. 88 - L.D. 132

An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine

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

Sec. 1. 5 MRSA c. 337-D is enacted to read:

CHAPTER 337-D

PROFILING DATA COLLECTION

§4751. Definitions

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

1. Law enforcement agency. "Law enforcement agency" means an agency in the State charged with enforcement of state, county, municipal or federal laws or laws of a federally recognized Indian tribe, with the prevention, detection or investigation of criminal, immigration or customs laws or with managing custody of detained persons in the State and includes, but is not limited to, a municipal police department, a sheriff's department, the State Police, a university or college police department and the Department of Public Safety.

2. Law enforcement officer. "Law enforcement officer" means a state, county or municipal official or an official of a federally recognized Indian tribe responsible for enforcing criminal, immigration or customs laws, including, but not limited to, a law enforcement officer who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A.

§4752. Collection of information; reporting of information

1. Information collected. Beginning July 1, 2023, a law enforcement agency shall record and retain the following information regarding traffic infractions occurring in this State:

A. The number of persons stopped for traffic infractions;

B. Characteristics of race, color, ethnicity, gender and age of each person described in paragraph A. The identification of such characteristics must be based on the observation and perception of the law enforcement officer responsible for reporting the stop. The person stopped may not be required to provide the information;

C. The nature of each alleged traffic infraction that resulted in a stop;

D. Whether a warning or citation was issued, an arrest was made or a search was conducted as a result of each stop for a traffic infraction; and

E. Any additional information the law enforcement agency determines appropriate. The additional information may not include any other personally identifiable information about a person stopped for a traffic infraction such as the person's driver's license number, name or address.

2. Report to Attorney General. A law enforcement agency shall report the information required to be recorded and retained under subsection 1 to the Attorney General pursuant to rules adopted pursuant to section 4753.

§4753. Rules; consultation

1. Adoption of rules. By January 1, 2023, the Attorney General shall adopt rules for the recording, retention and reporting of information pursuant to section 4752 pertaining to persons stopped for traffic infractions. The information must include the characteristics of race, color, ethnicity, gender and age of the persons stopped, based on the observation and perception of the law enforcement officer making the stop. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

2. Consultation. In adopting rules pursuant to subsection 1, the Attorney General shall consult with the Commissioner of Public Safety and interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations and persons with lived experience of being profiled. The Attorney General shall ensure that the parties consulted represent the racial and ethnic diversity of the State.

§4754. Report; publication of data

Beginning January 15, 2024 and annually thereafter, the Attorney General shall provide to the joint standing committees of the Legislature having jurisdiction over judiciary matters and criminal justice and public safety matters and make available to the public a report of the information collected pursuant to this chapter. The report must include an analysis of the information and may include recommendations for changes in laws, rules and practices. Information

reported may not include personally identifiable information.

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

**PUBLIC SAFETY, DEPARTMENT OF
State Police 0291**

Initiative: Provides funding for computer programming costs and related maintenance.

GENERAL FUND	2021-22	2022-23
All Other	\$22,750	\$22,750
Capital Expenditures	\$113,750	\$0
GENERAL FUND TOTAL	\$136,500	\$22,750

See title page for effective date.

CHAPTER 461

S.P. 114 - L.D. 265

**An Act To Provide Women
Access to Affordable
Postpartum Care**

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

Sec. 1. 22 MRSA §3174-G, sub-§1, ¶A-1 is enacted to read:

A-1. Notwithstanding paragraph A, beginning January 1, 2022 and until June 30, 2022, a qualified woman during her pregnancy and up to 6 months following delivery when the woman's family income is equal to or below 200% of the nonfarm income official poverty line;

Sec. 2. 22 MRSA §3174-G, sub-§1, ¶A-2 is enacted to read:

A-2. Notwithstanding paragraph A, beginning July 1, 2022 and until June 30, 2023, a qualified woman during her pregnancy and up to 9 months following delivery when the woman's family income is equal to or below 200% of the nonfarm income official poverty line;

Sec. 3. 22 MRSA §3174-G, sub-§1, ¶A-3 is enacted to read:

A-3. Notwithstanding paragraph A, beginning July 1, 2023 and until December 31, 2026, a qualified woman during her pregnancy and up to 12 months following delivery when the woman's family income is equal to or below 200% of the nonfarm income official poverty line;

Sec. 4. 22 MRSA §3174-G, sub-§1, ¶G, as amended by IB 2017, c. 1, Pt. A, §2, is further amended by amending subparagraph (2) to read:

(2) A child under 21 years of age; ~~and~~