

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

emergency management plan approved under this subsection is subject to the limitations set forth in Title 1, section 402, subsection 3, paragraph L.

See title page for effective date.

**CHAPTER 465
H.P. 345 - L.D. 469**

**An Act To Ensure Safety
across Maine's Construction
Industry**

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

Sec. 1. 26 MRSA §1304, sub-§3-A is enacted to read:

3-A. Craft worker. "Craft worker" means a person who is engaged in a construction trade that is eligible for coverage under a wage determination under this chapter.

Sec. 2. 26 MRSA §1304, sub-§10 is enacted to read:

10. Trade. "Trade" means a construction work activity engaged in by a craft worker.

Sec. 3. 26 MRSA §1312, sub-§1, as amended by PL 2011, c. 403, §2, is further amended to read:

1. Violation by contractor or subcontractor. Except as provided in section 1308, subsection 1-A, any contractor or subcontractor who willfully and knowingly violates sections 1304 to 1313 and 1317 is subject to a forfeiture of not less than \$250.

Sec. 4. 26 MRSA §1317 is enacted to read:

§1317. Construction safety training requirements for craft workers

A contractor or subcontractor employing craft workers in the construction of public works shall require mandatory safety training for all craft workers in accordance with the requirements of this section.

1. Mandatory safety training. A contractor or subcontractor employing craft workers in the construction of public works shall require that all craft workers on the construction work site have completed a construction safety training program that uses a curriculum approved by the United States Department of Labor, Occupational Safety and Health Administration and is at least 10 hours in duration.

2. Proof of compliance. A contractor or subcontractor shall complete and submit monthly to the public authority that let the contract a signed statement of compliance that each craft worker has completed the training required in subsection 1.

3. Posting of affidavit on job site. A contractor or subcontractor shall post in a conspicuous location at each job site a signed affidavit that the contractor or subcontractor has met the requirements of this section.

4. Rules. The Commissioner of Labor may 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. 5. Legislative intent regarding compliance and enforcement. It is the intent of the Legislature that the Department of Administrative and Financial Services, Bureau of General Services and the Department of Transportation comply with the construction safety training requirements for craft workers as specified in the Maine Revised Statutes, Title 26, section 1317 and that the Department of Labor enforce the provisions of Title 26, section 1317 within existing resources.

See title page for effective date.

**CHAPTER 466
H.P. 405 - L.D. 560**

**An Act To Amend the Safe
Haven Laws**

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

Sec. 1. 17-A MRSA §553, sub-§3, ¶B, as amended by PL 2001, c. 543, §1, is amended to read:

B. The child was delivered by the person charged under this section to a safe haven baby box as defined in Title 22, section 4018, subsection 1, paragraph A-1 or to an individual the person reasonably believed to be:

- (1) A law enforcement officer;
- (2) Staff at a medical emergency room;
- (3) A medical services provider as defined in Title 22, section 4018; or
- (4) A hospital staff member at a hospital; or
- (5) A firefighter at a fire department facility.

Sec. 2. 22 MRSA §4018, sub-§1, ¶A-1 is enacted to read:

A-1. "Safe haven baby box" means a device or container to safely accept delivery of a child less than 31 days of age that is:

- (1) Voluntarily installed by a medical services provider, law enforcement agency or fire department;
- (2) Physically located inside a hospital, law enforcement facility or fire department facility

that is staffed 24 hours a day by a medical services provider;

(3) Located in an area that is conspicuous and visible to the employees of the hospital, law enforcement agency or fire department; and

(4) In compliance with requirements adopted by rule by the department, including, but not limited to, a requirement that the device or container be equipped with an alarm that notifies the hospital, law enforcement agency or fire department where the device or container is located and a public safety answering point as defined in Title 25, section 2921, subsection 7 when a child is placed in the device or container.

Sec. 3. 22 MRSA §4018, sub-§1, ¶B, as enacted by PL 2001, c. 543, §2, is amended to read:

B. "Safe haven provider" means:

- (1) A law enforcement officer;
- (2) Staff at a medical emergency room;
- (3) A medical services provider; ~~or~~
- (4) A hospital staff member at a hospital;
- (5) A firefighter; or
- (6) A person staffing a facility with a safe haven baby box.

Sec. 4. 22 MRSA §4018, sub-§6 is enacted to read:

6. Rules. The department shall adopt rules to ensure the safe design, installation and use of each safe haven baby box before it may be put into service by a hospital, law enforcement agency or fire department. Rules adopted under this subsection are routine technical rules for the purposes of Title 5, chapter 375, subchapter 2-A.

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

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

State-funded Foster Care/Adoption Assistance 0139

Initiative: Provides one-time funding to contract for technical support developing rules to implement the program.

GENERAL FUND	2021-22	2022-23
All Other	\$14,174	\$0
GENERAL FUND TOTAL	<u>\$14,174</u>	<u>\$0</u>

See title page for effective date.

**CHAPTER 467
H.P. 433 - L.D. 590**

**An Act To Require MaineCare
Coverage for Ostomy
Equipment**

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. Ostomy equipment reimbursement

Beginning January 1, 2022, the department shall reimburse under the MaineCare program for ostomy equipment and supplies when that equipment or those supplies have been prescribed or recommended by a health care practitioner authorized to prescribe or recommend such equipment or supplies. The department shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. For purposes of this section, "health care practitioner" has the same meaning as in Title 24, section 2502, subsection 1-A.

Sec. 2. Ostomy equipment reimbursement rules. By January 1, 2022, the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 60 to implement the Maine Revised Statutes, Title 22, section 3174-FFF and this section. The department shall reimburse for ostomy equipment and supplies at no less than 85% of the 2021 federal Medicare reimbursement rate for the equipment and supplies as long as the rate is no lower than the rate reimbursed by the department as of January 1, 2021.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Medical Care - Payments to Providers 0147

Initiative: Provides funding to increase the MaineCare reimbursement rates for ostomy equipment to 85% of the 2021 federal Medicare reimbursement rate.

GENERAL FUND	2021-22	2022-23
All Other	\$9,313	\$18,625
GENERAL FUND TOTAL	<u>\$9,313</u>	<u>\$18,625</u>
FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$19,495	\$38,990