

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

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

FEDERAL EXPENDITURES	\$19,495	\$38,990
FUND TOTAL		

See title page for effective date.

CHAPTER 468

H.P. 503 - L.D. 691

An Act To Support Farms and Address Food Insecurity

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

Sec. 1. 7 MRSA §219-B is enacted to read:

§219-B. Fund To Address Food Insecurity and Provide Nutrition Incentives

1. Fund established. The Fund To Address Food Insecurity and Provide Nutrition Incentives, referred to in this section as "the fund," is established in the department to provide incentives to federal food and nutrition assistance program participants for the purchase of locally grown fruits and vegetables and to support outreach for and administration of programs that offer nutrition incentives to participants of federal food and nutrition assistance programs. The fund is established to match contributions from private and public sources of up to \$50,000 annually to further the purposes of this section. The fund, to be accounted within the department, must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any unexpended balances remaining in the fund at the end of any fiscal year do not lapse and must be carried forward to the next fiscal year. For purposes of this section, "local" means within the State.

2. Fund recipients. An organization based in the State that supports local food producers, local food production or low-income individuals in receiving food and nutrition assistance may receive proceeds from the fund upon application with the department. The department shall prioritize an applicant that has a demonstrated history of incentivizing the use of federal food and nutrition assistance programs to purchase locally grown fruits and vegetables or that demonstrates the ability to leverage the proceeds to match or receive additional funds from local, state, federal or private sources. The department shall periodically post a request for applications for eligible organizations to apply for fund proceeds.

3. Report; audit. The department shall require a periodic report from a recipient under subsection 2 detailing the use of fund proceeds and the federal food and nutrition assistance programs involved and to ensure that the funds are expended appropriately pursuant to this section. The department may audit a recipient to carry out the purposes of this subsection.

4. Rules. The department may adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2 A to carry out the purposes of the fund, including application criteria and procedures for recipients, disbursement of funds to recipients and for outreach and administration purposes and reporting and audit procedures for recipients.

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

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Fund To Address Food Insecurity and Provide Nutrition Incentives N384

Initiative: Provides one-time funding to capitalize the Fund To Address Food Insecurity and Provide Nutrition Incentives to be used to match contributions from private and public sources.

GENERAL FUND	2021-22	2022-23
All Other	\$25,000	\$0
GENERAL FUND TOTAL	\$25,000	\$0

See title page for effective date.

CHAPTER 469

S.P. 162 - L.D. 813

An Act To Create the Crime of Aggravated Sex Trafficking of a Person 14 Years of Age or Younger

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

Sec. 1. 17-A MRSA §852, sub-§1, as amended by PL 2013, c. 407, §2, is further amended to read:

1. A person is guilty of aggravated sex trafficking if the person knowingly:

- A. Promotes prostitution by compelling a person to enter into, engage in or remain in prostitution;
- B. Promotes prostitution of a person ~~less than 18~~ 15, 16 or 17 years old of age; or
- C. Promotes prostitution of a person who suffers from a mental disability that is reasonably apparent or known to the actor and that in fact renders the other person substantially incapable of appraising the nature of the conduct involved.

Violation of this subsection is a Class B crime.

Sec. 2. 17-A MRSA §852, sub-§1-A is enacted to read:

1-A. A person is guilty of aggravated sex trafficking if the person knowingly promotes prostitution of a