

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 29, 2021**

**SECOND REGULAR SESSION**  
**January 5, 2022 to May 9, 2022**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 8, 2022**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2022**

**Sec. 5. 17-A MRSA §501-A, sub-§2, ¶C** is enacted to read:

C. "Consumer fireworks" has the same meaning as in Title 8, section 221-A, subsection 1-A.

See title page for effective date.

## CHAPTER 511

S.P. 655 - L.D. 1837

### An Act To Clarify the Appeals Process for Decisions Related to the Maine Health Insurance Marketplace

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, this legislation has been submitted by the Department of Health and Human Services to clarify the appeals process for decisions of the Maine Health Insurance Marketplace; and

**Whereas**, enacting this legislation as soon as possible will provide clarity for consumers who want to appeal decisions of the Maine Health Insurance Marketplace that affect their eligibility for health care coverage; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSA §5410**, as enacted by PL 2019, c. 653, Pt. A, §1, is repealed and the following enacted in its place:

#### **§5410. Relation to other laws**

**1. Authority of superintendent to regulate insurance.** This chapter and any action taken by the marketplace pursuant to this chapter may not be construed to preempt or supersede the authority of the superintendent to regulate the business of insurance within this State.

**2. Appeal from decision of department's administrative hearings unit.** A decision of the department's administrative hearings unit in an appeal of a decision of the marketplace is not subject to judicial review under Title 5, section 11001 and the Maine Rules of Civil Procedure, Rule 80C. Such a decision may be appealed to the United States Department of Health and Human Services pursuant to 45 Code of Federal Regulations, Section 155.520(c).

**Sec. 2. Application.** This Act applies to any decision of the Maine Health Insurance Marketplace made prior to, on or after the effective date of this Act that may be appealed to the Department of Health and Human Services' administrative hearings unit.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 25, 2022.

## CHAPTER 512

S.P. 597 - L.D. 1742

### An Act To Ensure Compliance with the Interstate Fishery Management Plan for American Lobster

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

**Sec. 1. 12 MRSA §6431, sub-§1**, as amended by PL 2011, c. 266, Pt. A, §9, is further amended to read:

**1. Minimum and maximum length.** ~~A Except as provided in subsections 1-A and 1-B, a person may not buy, sell, give away, transport, ship or possess any lobster that is less than the minimum size established in this subsection 3 1/4 inches or more than 5 inches in length, as determined by the lobster measure certified in accordance with subsection 3. Except as provided in subsection 1-A, the minimum lobster size is 3 8/32 inches.~~

**Sec. 2. 12 MRSA §6431, sub-§1-B** is enacted to read:

**1-B. Compliance with interstate fishery management plan.** The commissioner may adopt rules to set minimum and maximum lobster sizes different from those specified in subsection 1 when necessary to comply with changes to the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for American Lobster. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commissioner shall notify the joint standing committee of the Legislature having jurisdiction over marine resources matters when initiating rulemaking pursuant to this subsection.

**Sec. 3. 12 MRSA §6433, sub-§1-A**, as enacted by PL 1985, c. 677, §§4, 6 and 7, is amended to read:

**1-A. Adjustment.** Notwithstanding subsection 1, the commissioner shall specify by rule the dimensions of vents in lobster traps, which shall must be appropriate for the minimum legal lobster size in effect pursuant to section 6431. The commissioner may adopt rules to set different dimensions of vents in lobster traps when necessary to comply with changes to the Atlantic States