

# 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**Sec. 4. 22 MRSA §3174-G, sub-§1, ¶A-3**, as enacted by PL 2021, c. 461, §3, is repealed.

**Sec. 5. 22 MRSA §3174-G, sub-§1, ¶G**, as amended by PL 2021, c. 461, §4, is further amended to read:

G. A person otherwise eligible who is a noncitizen legally admitted to the United States to the extent that coverage is allowable by federal law if the person is:

- (1) A woman during her pregnancy and up to 60 days following delivery; or
- (2) A child under 21 years of age;

**Sec. 6. 22 MRSA §3174-G, sub-§1, ¶G-1**, as enacted by PL 2021, c. 461, §5, is amended to read:

G-1. Notwithstanding paragraph G, beginning ~~January 1, 2022 and until June 30, 2022~~ August 1, 2022, a person otherwise eligible who is a noncitizen legally admitted to the United States for as long as and to the extent that coverage is allowable by federal law if the person is:

- (1) A woman during her pregnancy and up to ~~6~~ 12 months following delivery; or
- (2) A child under 21 years of age; and

**Sec. 7. 22 MRSA §3174-G, sub-§1, ¶G-2**, as enacted by PL 2021, c. 461, §6, is repealed.

**Sec. 8. 22 MRSA §3174-G, sub-§1, ¶G-3**, as enacted by PL 2021, c. 461, §7, is repealed.

**Sec. 9. PL 2021, c. 461, §8** is repealed.

**Sec. 10. State plan amendment.** The Department of Health and Human Services shall, no later than 30 days after the effective date of this section, submit requests for any state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services determined necessary in order to accomplish the purposes of this Act. The department shall take all reasonable and necessary steps to seek approval of the state plan amendment.

**Sec. 11. Retroactivity.** This Act applies retroactively to January 1, 2022.

See title page for effective date.

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## CHAPTER 520

### H.P. 1339 - L.D. 1798

#### An Act To Ensure Health Insurance Coverage for Certain Adults with Disabilities

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

**Sec. 1. 24-A MRSA §2742-B, sub-§2**, as amended by PL 2019, c. 5, Pt. A, §8, is further amended to read:

**2. Offer of coverage.** Notwithstanding section 2703, subsection 3, an individual health insurance policy that offers coverage for a dependent child must offer such coverage, at the option of the policyholder, until the dependent child attains 26 years of age. If the dependent child has a disability, the policy must offer coverage in accordance with section 2742-C.

**Sec. 2. 24-A MRSA §2742-C** is enacted to read:

#### **§2742-C. Mandatory offer of coverage for certain adults with disabilities**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dependent child" has the same meaning as in section 2742-B, subsection 1.

B. "Disability" means a physical, mental, intellectual or developmental disability that renders a person incapable of self-sustaining employment.

**2. Offer of coverage.** An individual health insurance policy that offers coverage for a dependent child must offer such coverage, at the option of the policyholder, for a dependent child with a disability, regardless of age.

**3. Proof of disability.** A policyholder shall furnish proof of a dependent child's disability to the insurer within 31 days of the dependent child's attainment of the limiting age established in section 2742-B, subsection 2 and subsequently as may be required by the insurer, but the insurer may not require proof more frequently than annually after the 2-year period following the dependent child's attainment of the limiting age.

**Sec. 3. 24-A MRSA §2833-B, sub-§2**, as amended by PL 2019, c. 5, Pt. A, §13, is further amended to read:

**2. Offer of coverage.** Notwithstanding section 2822, a group health insurance policy that offers coverage for a dependent child must offer such coverage, at the option of the parent, until the dependent child attains 26 years of age. If the dependent child has a disability, the policy must offer coverage in accordance with section 2833-C.

**Sec. 4. 24-A MRSA §2833-C** is enacted to read:

#### **§2833-C. Mandatory offer of coverage for certain adults with disabilities**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dependent child" has the same meaning as in section 2833-B, subsection 1.

B. "Disability" means a physical, mental, intellectual or developmental disability that renders a person incapable of self-sustaining employment.

2. Offer of coverage. A group health insurance policy that offers coverage for a dependent child must offer such coverage, at the option of the parent, for a dependent child with a disability, regardless of age.

3. Proof of disability. A parent shall furnish proof of a dependent child's disability to the insurer within 31 days of the dependent child's attainment of the limiting age established in section 2833-B, subsection 2 and subsequently as may be required by the insurer, but the insurer may not require proof more frequently than annually after the 2-year period following the dependent child's attainment of the limiting age.

**Sec. 5. 24-A MRSA §4233-B, sub-§2,** as amended by PL 2019, c. 5, Pt. A, §18, is further amended to read:

2. Offer of coverage. An individual or group health maintenance organization contract that offers coverage for a dependent child must offer such coverage, at the option of the parent, until the dependent child attains 26 years of age. If the dependent child has a disability, the contract must offer coverage in accordance with section 4233-C.

**Sec. 6. 24-A MRSA §4233-C** is enacted to read:

**§4233-C. Mandatory offer of coverage for certain adults with disabilities**

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dependent child" has the same meaning as in section 4233-B, subsection 1.

B. "Disability" means a physical, mental, intellectual or developmental disability that renders a person incapable of self-sustaining employment.

2. Offer of coverage. An individual or group health maintenance organization contract that offers coverage for a dependent child must offer such coverage, at the option of the parent, for a dependent child with a disability, regardless of age.

3. Proof of disability. A parent shall furnish proof of a dependent child's disability to the insurer within 31 days of the dependent child's attainment of the limiting age established in section 4233-B, subsection 2 and subsequently as may be required by the insurer, but the insurer may not require proof more frequently than annually after the 2-year period following the dependent child's attainment of the limiting age.

**Sec. 7. 24-A MRSA §4320-B,** as enacted by PL 2011, c. 364, §34, is amended to read:

**§4320-B. Extension of dependent coverage**

A carrier offering a health plan subject to the requirements of the federal Affordable Care Act that provides dependent coverage of children shall continue to make such coverage available for an adult child until the child turns 26 years of age, consistent with the federal Affordable Care Act, and offer coverage for a dependent child with a disability in accordance with section 4320-R.

**Sec. 8. 24-A MRSA §4320-R** is enacted to read:

**§4320-R. Mandatory offer of coverage for certain adults with disabilities**

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dependent child" has the same meaning as in section 4233-B, subsection 1.

B. "Disability" means a physical, mental, intellectual or developmental disability that renders a person incapable of self-sustaining employment.

2. Offer of coverage. A health plan subject to the requirements of the federal Affordable Care Act that offers coverage for a dependent child must offer such coverage, at the option of the parent, for a dependent child with a disability, regardless of age.

3. Proof of disability. A parent shall furnish proof of a dependent child's disability to the carrier within 31 days of the dependent child's attainment of the limiting age established in section 4320-B and subsequently as may be required by the carrier, but the carrier may not require proof more frequently than annually after the 2-year period following the dependent child's attainment of the limiting age.

See title page for effective date.

**CHAPTER 521**

**S.P. 642 - L.D. 1815**

**An Act To Revise Certain  
Financial Regulatory  
Provisions of the Maine  
Insurance Code To Be  
Consistent with Model Laws  
from the National Association  
of Insurance Commissioners**

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