

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.

Augusta, Maine
2022

3. Expenditures for clinical dental services. The superintendent shall define "clinical dental services" in rule to be consistent with similar expenditures for clinical services used for reporting of medical loss ratio by carriers offering health plans in the State.

4. Activities that improve dental care quality. The superintendent shall define "activities that improve dental care quality" in rule to be consistent with similar activities related to quality that are permitted for reporting of medical loss ratio by carriers offering health plans in this State such as case management; oral health assessments; identifying and addressing ethnic, cultural or racial disparities in effectiveness of best clinical practices and evidence-based medicine; quality reporting; and health information technology.

5. Administrative cost expenditures. The superintendent shall define "administrative cost expenditures" in rule to be consistent with similar cost expenditures used for reporting of medical loss ratio by carriers offering health plans in the State such as financial administrative expenses, marketing and sales expenses, commissions, distribution expenses, claims operations expenses, utilization review expenses, network operations expenses, charitable expenses, board, bureau or association fees and payroll expenses.

6. Dental loss ratio reporting. Beginning in 2023, on or before July 31st annually, a carrier offering a dental plan in effect during the preceding calendar year shall file a report with the bureau of the carrier's dental loss ratio for the preceding calendar year organized by market segment according to guidance issued by the superintendent.

A. Within 90 days of receiving any report required under this subsection, the superintendent shall post the report on the bureau's publicly accessible website.

B. If verification of information contained in a report filed under this subsection is necessary, the carrier has 30 days to submit any information required by the superintendent.

C. For the initial report filed by a carrier on or before July 31, 2023, the carrier shall include dental loss ratio information for calendar years 2020 and 2021 in addition to information for calendar year 2022.

7. Average dental loss ratio; identifying dental plans with dental loss ratio deviating from average. The superintendent shall aggregate the dental loss ratio reports filed by each carrier pursuant to subsection 6 by market segment. The superintendent shall calculate an average dental loss ratio for each market segment using aggregate data for a 3-year period, including data for the dental loss ratio reporting year that is being reported and the data for the 2 prior dental loss ratio reporting years, and identify as outliers dental plans that fall out-

side 2 standard deviations of the average dental loss ratio. If the average dental loss ratio in a market segment declines over time, the superintendent may identify as outliers dental plans that fall outside one standard deviation of the average dental loss ratio or establish by rule a minimum average dental loss ratio for use in calculating outliers.

8. Authority for review. For those dental plans identified as outliers in accordance with subsection 7, the superintendent shall conduct a review and require the carrier of a dental plan identified as an outlier to submit additional relevant financial information as requested by the superintendent. The superintendent may require the carrier to submit a remediation plan including but not limited to measures such as rate revisions or benefit modifications. Any action taken by the superintendent pursuant to this subsection is limited to the dental plans identified as outliers.

9. Rules. The superintendent may adopt rules to implement this section, including development of a common reporting form. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Application. The requirements of this Act apply to all individual and group dental plans, as defined in the Maine Revised Statutes, Title 24-A, section 4319-B, subsection 1, executed, delivered, issued, continued or renewed in this State on or after January 1, 2023, except for individual and group dental plans issued to a policyholder outside of this State. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

CHAPTER 530

S.P. 614 - L.D. 1754

An Act To Modify the Reporting Requirements for Major Contributors to Ballot Question Campaigns and To Make a Technical Change to the Campaign Finance Laws

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

Sec. 1. 21-A MRSA §1059, sub-§5, as amended by PL 2019, c. 323, §24, is further amended to read:

5. Electronic filing. A committee shall file each report required by this section through an electronic filing system developed by the commission. Notwithstanding any provision of this chapter to the contrary, for purposes of entering and retrieving information, the

electronic filing system may categorize ballot question committees as a subcategory of political action committees. The commission may make an exception to this electronic filing requirement if a committee submits a written request that states that the committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted within 30 days of the registration of the committee. The commission shall grant all reasonable requests for exceptions.

Sec. 2. 21-A MRSA §1060-A, sub-§1, ¶B, as enacted by PL 2017, c. 418, §4, is amended to read:

B. "Major contributor" means a person, other than an individual or a committee, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing any one people's veto referendum campaign or any one direct initiative campaign.

Sec. 3. 21-A MRSA §1060-A, sub-§4, ¶E, as enacted by PL 2017, c. 418, §4, is repealed and the following enacted in its place:

E. The names of the 5 largest sources of funds received by the major contributor during the period beginning 6 months prior to the first contribution made to the recipient committee and ending on the date of the filing of the report. This paragraph does not apply to funds received by the major contributor:

- (1) That are restricted to purposes that are unrelated to a people's veto referendum or direct initiative campaign in the State;
- (2) In the ordinary course of the major contributor's regular trade or business or as investment income; or
- (3) If the source of the funds provided no more than \$5,000 to the major contributor during the relevant period of time; and

Sec. 4. 21-A MRSA §1060-A, sub-§5, as enacted by PL 2017, c. 418, §4, is repealed and the following enacted in its place:

5. Noncompliance. The commission may assess a civil penalty against a person that does not comply with the requirements of this section. The preliminary penalty is 10% of the total contributions required to be reported or \$50,000, whichever is less, for:

A. A recipient committee that fails to provide timely notice to a major contributor under subsection 2;

B. A recipient committee that fails to provide a copy of the notice to the commission under subsection 2. If the commission assesses a penalty under paragraph A, the commission may not also assess a penalty under this paragraph; and

C. A major contributor that fails to file a timely report required under this section or that files a report that does not substantially conform to the disclosure requirements of this section or rules adopted under this section.

Sec. 5. 21-A MRSA §1060-A, sub-§6 is enacted to read:

6. Waiver request; final penalty. Not later than the 14th calendar day after the date the person receives notice of the preliminary penalty from the commission under subsection 5, the person may request a waiver of the penalty in full or in part. In considering a request for a waiver under this subsection, the commission shall consider:

A. For violations under subsection 5, paragraphs A and B:

- (1) Whether, as a result of the late notice, the due date for a report required by this subchapter is later than if a timely notice had been received;
- (2) Whether the recipient committee made a bona fide effort to provide notice to the major contributors;
- (3) The amount of the contributions required to be reported; and
- (4) Other relevant factors; and

B. For violations under subsection 5, paragraph C:

- (1) The failure of the recipient committee to provide notice of the reporting requirement to the major contributor;
- (2) The number of days the report is late;
- (3) The amount of the contributions required to be reported; and
- (4) Other relevant factors.

A person requesting a determination on a waiver may either appear in person or designate a representative to appear on the person's behalf or may submit a sworn statement explaining the mitigating circumstances for consideration by the commission. After a commission meeting, the commission shall mail notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subsection to the person against whom the commission is assessing the penalty. If the person against whom the commission is assessing the penalty does not request a waiver, the preliminary penalty calculated by the commission is final. The commission shall mail final notice of the penalty to the person against whom the commission is assessing the penalty. A final determination by the commission on a waiver may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

**ETHICS AND ELECTION PRACTICES,
COMMISSION ON GOVERNMENTAL**

**Governmental Ethics and Election Practices -
Commission on 0414**

Initiative: Provides a one-time allocation for programming costs to update the campaign finance report electronic filing system to incorporate submissions by ballot question committees.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$9,616	\$0
OTHER SPECIAL REVENUE	\$9,616	\$0
FUNDS TOTAL		

See title page for effective date.

**CHAPTER 531
H.P. 1308 - L.D. 1757**

**An Act To Make Technical
Changes to Maine Tax Laws**

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

PART A

Sec. A-1. 36 MRSA §191, sub-§2, ¶Z, as amended by PL 2019, c. 498, §25, is repealed.

PART B

Sec. B-1. 36 MRSA §310, first ¶, as amended by PL 1981, c. 330 and PL 1997, c. 526, §14, is further amended to read:

The Bureau of Revenue Services shall hold qualifying examinations for assessors ~~at least 4~~ as necessary, but not fewer than 2 times each year.

Sec. B-2. 36 MRSA §705, as amended by PL 1973, c. 620, §15, is further amended to read:

§705. County commissioners may appoint assessors; procedure

If for 3 months after any warrant for a ~~state or~~ county tax has been issued, a municipality ~~which that~~ is not part of a primary assessing area or is not a primary assessing area has neglected to choose assessors, or the assessors chosen have neglected to assess and certify such tax, the ~~Treasurer of State or of the county~~ treasurer of the county in which that municipality is located may so notify the county commissioners.

On receipt of such notification the county commissioners shall appoint 3 or more suitable persons in the county to be assessors for such municipality. New warrants ~~shall must~~ be issued to ~~such those~~ assessors, ~~which~~

~~said;~~ those warrants ~~shall~~ supersede the ~~state and~~ county warrants originally issued to the assessors of the delinquent municipality.

Assessors appointed under this section ~~shall must~~ be duly sworn; ~~shall be~~ are subject to the same duties and penalties as other assessors; and shall assess upon the polls and estates of the municipality its due proportion of ~~state and~~ county taxes; and such reasonable charges for time and expense in making the assessment as the county commissioners may approve, ~~which said;~~ such charges shall must be paid from the county treasury.

Sec. B-3. 36 MRSA §751 is amended to read:

§751. State and county County taxes; collection

~~State and county taxes shall be collected by the~~ The tax collector ~~and paid by him~~ shall collect county taxes and pay those taxes to the treasurer of his the municipality as other taxes are paid.

Sec. B-4. 36 MRSA §843, sub-§4, as amended by PL 2019, c. 379, Pt. A, §5, is further amended to read:

4. Payment requirements for taxpayers. A taxpayer filing an appeal under this section must pay an amount of current taxes equal to the greater of the amount of taxes paid in the immediately preceding tax year, to the extent that amount does not exceed the amount of taxes due in the current tax year, and the amount of taxes in the current tax year that is not in dispute. If the taxpayer has filed an appeal under this section without ~~having paid an amount of current taxes equal to the amount of taxes paid in the immediately preceding tax year, as long as that amount does not exceed the amount of taxes due in the current tax year or the amount of taxes in the current tax year not in dispute, whichever is greater,~~ paying the appropriate amount of taxes by or after the due date or according to a payment schedule mutually agreed to in writing by the taxpayer and the municipal officers, the appeal process must be suspended until the taxes, together with any accrued interest and costs, have been paid. If an appeal is in process upon expiration of a due date or written payment schedule date for payment of taxes in a particular municipality, without the appropriate amount of taxes having been paid, whether the taxes are due for the year under appeal or a subsequent tax year, the appeal process must be suspended until the appropriate amount of taxes described in this subsection, together with any accrued interest and costs, has been paid. This subsection does not apply to property with a valuation of less than \$500,000.

Sec. B-5. 36 MRSA §891 is amended to read:

§891. Collection of delinquent ~~state and~~ county taxes

When the time for the payment of a ~~state or~~ county tax has expired and it is unpaid, the ~~Treasurer of State~~