

# 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**

a member or former member of the military forces identified in this legislation; and

**Whereas**, the Legislature wishes to honor the services of the Honorable John L. Tuttle, Jr., by allowing his burial in the Maine Veterans' Memorial Cemetery System in accordance with the pending federal legislation; 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. 37-B MRSA §504, sub-§4, ¶B-1** is enacted to read:

B-1. The director may allow the earth burial in one of the cemeteries of a person, and any spouse or minor child of that person, who meets the criteria established by the department by rule and who died while:

- (1) A member or former member of the National Guard;
- (2) A member or former member of the state military forces or the Reserve Components of the United States Armed Forces; or
- (3) A member of a reserve officer training corps of the United States Armed Forces.

The department shall adopt rules necessary to implement this paragraph, including rules governing the eligibility for burial in the cemeteries. In establishing criteria for the burial of a person under this paragraph, the department shall ensure that such criteria comply with any applicable state or federal requirements. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective April 14, 2022.

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**CHAPTER 594**

**H.P. 1314 - L.D. 1763**

**An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes**

**Emergency preamble.** **Whereas**, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

**Whereas**, state tax law needs to be updated to conform to federal law before the 90-day period expires to avoid delay in the processing of income tax returns for 2021; and

**Whereas**, legislative action is immediately necessary to ensure continued and efficient administration of the state income tax and certain other state taxes; 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. 36 MRSA §111, sub-§1-A**, as amended by PL 2021, c. 398, Pt. H, §1, is further amended to read:

**1-A. Code.** "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of ~~April 30~~ December 31, 2021.

**Sec. 2. Application.** This Act applies to tax years beginning on or after January 1, 2021 and to any prior tax year as specifically provided by the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, 2021.

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

Effective April 14, 2022.

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**CHAPTER 595**

**H.P. 1416 - L.D. 1910**

**An Act To Improve Children's Mental Health by Requiring Insurance Coverage for Certain Mental Health Treatment**

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

**Whereas**, the COVID-19 pandemic has exacerbated the need for mental health treatment, especially among young people in the State; and

**Whereas**, in response to COVID-19 and on an ongoing basis, it is important for young people in the State to have access to mental health treatment that uses evidence-based practices; and

**Whereas**, health insurance carriers are denying to children mental health treatment that uses evidence-based practices, such as multisystemic treatments; and

**Whereas**, the purpose of this legislation is to ensure that health insurance carriers provide coverage for mental health treatment that uses evidence-based practices; 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. 24-A MRSA §2749-C**, as amended by PL 2019, c. 5, Pt. D, §1, is further amended by amending the section headnote to read:

**§2749-C. ~~Mandated offer of coverage for certain mental illnesses~~ Mental health services coverage**

**Sec. 2. 24-A MRSA §2749-C, sub-§1, ¶B**, as amended by PL 2019, c. 5, Pt. D, §1, is further amended by amending subparagraph (2) to read:

(2) At the request of a reimbursing insurer, a provider of medical treatment for mental illness shall furnish data substantiating that initial or continued treatment is medically necessary health care. When making the determination of whether treatment is medically necessary health care, the provider shall use the same criteria for medical treatment for mental illness as for medical treatment for physical illness under the individual policy. An insurer may not deny treatment for mental health services that use evidence-based practices and are determined to be medically necessary health care for an individual 21 years of age or younger. For the purposes of this subparagraph, "evidence-based practices" means clinically sound and scientifically based policies, practices and programs that reflect expert consensus on the prevention, treatment and recovery science, including, but not limited to, policies, practices and programs published and disseminated by the Substance Abuse and Mental Health Services Administration and the Title IV-E Prevention Services Clearinghouse within the United States Department of Health and Human Services, the What Works Clearinghouse within the United States Department of Education, Institute of Education Sciences and the California Evidence-Based Clearinghouse for Child Welfare within the California Department of Social Services, Office of Child Abuse Prevention.

**Sec. 3. 24-A MRSA §2843, sub-§3, ¶A-3** is enacted to read:

A-3. "Evidence-based practices" means clinically sound and scientifically based policies, practices and programs that reflect expert consensus on the prevention, treatment and recovery science, including, but not limited to, policies, practices and programs published and disseminated by the Substance Abuse and Mental Health Services Administration and the Title IV-E Prevention Services Clearinghouse within the United States Department of Health and Human Services, the What Works Clearinghouse within the United States Department of Education, Institute of Education Sciences and the California Evidence-Based Clearinghouse for Child Welfare within the California Department of Social Services, Office of Child Abuse Prevention.

**Sec. 4. 24-A MRSA §2843, sub-§5-C, ¶B**, as amended by PL 2003, c. 20, Pt. VV, §14 and affected by §25, is further amended by amending subparagraph (2) to read:

(2) At the request of a reimbursing insurer, a provider of medical treatment for mental illness shall furnish data substantiating that initial or continued treatment is medically necessary health care. When making the determination of whether treatment is medically necessary health care, the provider shall use the same criteria for medical treatment for mental illness as for medical treatment for physical illness under the group contract. An insurer may not deny treatment for mental health services that use evidence-based practices and are determined to be medically necessary health care for an individual 21 years of age or younger.

**Sec. 5. 24-A MRSA §2843, sub-§5-C**, as amended by PL 2017, c. 407, Pt. A, §96, is further amended by repealing the last blocked paragraph.

**Sec. 6. 24-A MRSA §2843, sub-§5-D**, as amended by PL 2003, c. 20, Pt. VV, §15 and affected by §25, is repealed.

**Sec. 7. 24-A MRSA §4234-A, sub-§3, ¶A-3** is enacted to read:

A-3. "Evidence-based practices" means clinically sound and scientifically based policies, practices and programs that reflect expert consensus on the prevention, treatment and recovery science, including, but not limited to, policies, practices and programs published and disseminated by the Substance Abuse and Mental Health Services Administration and the Title IV-E Prevention Services Clearinghouse within the United States Department of Health and Human Services, the What

Works Clearinghouse within the United States Department of Education, Institute of Education Sciences and the California Evidence-Based Clearinghouse for Child Welfare within the California Department of Social Services, Office of Child Abuse Prevention.

**Sec. 8. 24-A MRSA §4234-A, sub-§6, ¶B,** as amended by PL 2003, c. 20, Pt. VV, §20 and affected by §25, is further amended by amending subparagraph (2) to read:

(2) At the request of a reimbursing health maintenance organization, a provider of medical treatment for mental illness shall furnish data substantiating that initial or continued treatment is medically necessary health care. When making the determination of whether treatment is medically necessary health care, the provider shall use the same criteria for medical treatment for mental illness as for medical treatment for physical illness under the group contract. An insurer may not deny treatment for mental health services that use evidence-based practices and are determined to be medically necessary health care for an individual 21 years of age or younger.

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

Effective April 14, 2022.

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**CHAPTER 596**

**H.P. 1449 - L.D. 1944**

**An Act To Provide the State Harness Racing Commission Greater Efficiency in Rules Enforcement**

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

**Whereas,** the State Harness Racing Commission places great value on resolving violations quickly when a potential return of a race purse is called for, and a disqualified participant may retain a purse garnered unfairly while distribution to the rightful recipients may be delayed because of the adjudicatory process; and

**Whereas,** this legislation authorizes the State Harness Racing Commission to enter into consent agreements to resolve violations of the laws and rules relating to harness racing in a more efficient and timely manner; 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. 8 MRSA §279-B, sub-§3** is enacted to read:

**3. Consent agreements.** The commission may execute a consent agreement that resolves a complaint or investigation without further proceedings. A consent agreement may be entered into only with the consent of the licensee, the commission and the Department of the Attorney General. Any remedy, penalty, purse return or fine that is otherwise available by law may be achieved by consent agreement, including long-term suspension and permanent revocation of a license or registration. A consent agreement is not subject to review or appeal and may be modified only by a writing executed by all parties to the original consent agreement. A consent agreement is enforceable by an action in Superior Court.

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

Effective April 14, 2022.

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**CHAPTER 597**

**H.P. 1483 - L.D. 1996**

**An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2022 and June 30, 2023**

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

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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,