

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

D. The methods used by commercial insurers, the MaineCare program, Medicare, the organization that administers health insurance for state employees and the Maine Education Association benefits trust to pay for behavioral health care.

Within 60 days of a request from the Maine Health Data Organization, a payor shall provide the supplemental datasets specific to payments for behavioral health care services necessary to provide the information required in paragraphs B and C. In its request to a payor, the organization shall specify the time period for which the data is requested and define the datasets requested to ensure uniformity in the data submitted by payors.

Sec. A-3. Maine Quality Forum to conduct health spending reporting study. The Maine Quality Forum, established in the Maine Revised Statutes, Title 24-A, section 6951, shall consult with other state and national agencies and organizations to determine the best practices for reporting spending on behavioral health care by insurers. For purposes of this section, "behavioral health care" means services to address mental health and substance use conditions.

PART B

Sec. B-1. 24-A MRSA §4303, sub-§2, ¶D, as amended by PL 2015, c. 84, §1, is further amended to read:

D. A carrier shall make credentialing decisions, including those granting or denying credentials, within 60 days of receipt of a completed credentialing application from a provider. The time period for granting or denying credentials may be extended upon written notification from the carrier within 60 days following submission of a completed application stating that information contained in the application requires additional time for verification. All credentialing decisions must be made within 180 days of receipt of a completed application. For the purposes of this paragraph, an application is completed if the application includes all of the information required by the uniform credentialing application used by carriers and providers in this State, such attachments to that application as required by the carrier at the time of application and all corrections required by the carrier. ~~A~~ Within 30 days of initial receipt of a credentialing application, a carrier shall review the entire application before returning and, if it is incomplete, shall return it to the provider for corrections with a comprehensive list of all corrections needed at the time the application is first returned to the provider. A carrier may not require that a provider have a home address within the State before accepting an application. A carrier that is unable to make a credentialing decision on a completed credentialing application within the 60-day period as required in this paragraph shall notify the bureau in writing prior to the expiration of the 60-day period on that

application and request authorization for an extension on that application. A carrier that requests an extension shall also submit to the bureau an explanation of the reasons why the credentialing decision on an application is taking longer than is permitted or, if the problem is not specific to a particular application, a written remediation plan to bring the carrier's credentialing practices in line with the 60-day limit in this paragraph.

Sec. B-2. Bureau of Insurance review. The Department of Professional and Financial Regulation, Bureau of Insurance shall review the requirements in Bureau of Insurance rule Chapter 850, Health Plan Accountability, related to the verification of information on credentialing applications from health care practitioners and determine whether amendments must be made to the rule's requirements in order to improve the ability of carriers to make a credentialing decision within the 60-day period in accordance with the Maine Revised Statutes, Title 24-A, section 4303, subsection 2, paragraph D without an impact on quality standards or accreditation standards. Notwithstanding Title 24-A, section 4309, any amendments to Bureau of Insurance rule Chapter 850 adopted following the review required by this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-3. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF Insurance - Bureau of 0092

Initiative: Provides funding for one Senior Insurance Examiner position and related All Other costs to examine insurer requests related to accreditation of health care providers.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$121,132
All Other	\$0	\$10,803
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$131,935

See title page for effective date.

**CHAPTER 604
H.P. 880 - L.D. 1202**

An Act To Establish a Wood-fired Combined Heat and Power Program

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

Sec. 1. 5 MRSA §1766-A, as amended by PL 2009, c. 329, Pt. A, §1, is further amended to read:

§1766-A. Electricity purchases for state buildings

No later than January 1, 2010, all electricity consumed in state-owned buildings must be supplied by renewable resources. For purposes of this section, "renewable resource" has the same meaning as in Title 35-A, section 3210, subsection 2, paragraph C. In purchasing electricity for state-owned buildings, the State may give preference to electricity generated by community-based renewable energy projects, as defined in Title 35-A, section 3602, subsection 1 and electricity generated by combined heat and power projects, as defined in Title 35-A, section 3622, subsection 1.

Sec. 2. 35-A MRSA §3212, sub-§4-E is enacted to read:

4-E. Combined heat and power energy. The commission may incorporate energy generated by combined heat and power projects as defined in section 3622, subsection 1 into the supply of standard-offer service. The commission shall encourage entities based in this State that are not otherwise either a standard-offer service provider or its affiliate to participate in supplying energy from combined heat and power projects pursuant to this subsection.

Sec. 3. 35-A MRSA c. 36-A is enacted to read:

CHAPTER 36-A

WOOD-FIRED COMBINED HEAT AND POWER ACT

§3621. Short title

This chapter may be known and cited as "the Wood-fired Combined Heat and Power Act."

§3622. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Combined heat and power project. "Combined heat and power project" means a facility that uses wood fuel to generate electric heat and power that is used for industrial or space heating purposes.

2. Net generating capacity. "Net generating capacity" means the electric output of an electricity generating facility delivered to the transmission and distribution utility system. "Net generating capacity" does not include any energy consumed by the generator to operate the electricity generating facility or any energy consumed for facility lighting, power and auxiliary facilities.

3. Program participant. "Program participant" means a combined heat and power project that is participating in the combined heat and power program established in section 3623.

4. Wood fuel. "Wood fuel" means biomass derived from:

A. Forest products manufacturing residuals, including, but not limited to, mill chips, sawdust, bark, shavings and fines;

B. Harvest residues, including trees or portions of harvested trees that are too small or of too poor quality to be used for wood products; or

C. Downed trees from weather events and natural disasters, nonhazardous landscape or right-of-way trimmings and plant material removed for purposes of invasive species control.

§3623. Combined heat and power program

1. Program established. The combined heat and power program, referred to in this chapter as "the program," is established to encourage the development in the State of combined heat and power projects that will promote the climate action plan developed in accordance with Title 38, section 577, subsection 1. The program is administered by the commission.

2. Program scope; limits on net generating capacity. The commission shall limit participation in the program in accordance with this subsection.

A. The net generating capacity of a program participant may not be less than 3 megawatts or more than 10 megawatts.

B. The total net generating capacity of all program participants combined may not exceed 20 megawatts.

The commission may modify the amount of total net generating capacity stipulated under this paragraph based on program experience.

3. Program eligibility criteria. To be eligible to participate in the program, a combined heat and power project must:

A. Be connected to the electric grid of this State;

B. Have an in-service date after November 1, 2022;

C. Satisfy the limits on net generating capacity established in subsection 2, paragraph A;

D. Be highly efficient, as determined by the commission; and

E. Not be a participant in net energy billing under section 3209-A or 3209-B.

The commission shall prescribe an application form or procedure that must be used to apply to the program under this chapter, which must include any information that the commission determines necessary for the purpose of administering the program. The commission shall inform an applicant, within 30 days of receipt of

an application, if the application is complete. The commission shall determine whether the combined heat and power project qualifies for participation in the program as soon as practicable and respond in writing.

§3624. Long-term contracts for combined heat and power

1. Investor-owned transmission and distribution utilities; required participation. Notwithstanding section 3204, the commission may direct an investor-owned transmission and distribution utility to enter into long-term contracts with one or more program participants located within the service territory of the utility for energy, capacity resources or renewable energy credits. The commission may direct investor-owned transmission and distribution utilities to enter into contracts under this subsection only as agents for their customers and only in accordance with this section. An investor-owned transmission and distribution utility shall sell energy, capacity resources or renewable energy credits purchased pursuant to this subsection into the wholesale electricity market or take other action relative to such energy, capacity resources or renewable energy credits as directed by the commission.

2. Consumer-owned transmission and distribution utilities; voluntary participation. A consumer-owned transmission and distribution utility may, at the option of the utility, enter into long-term contracts with one or more program participants located within the service territory of the utility for energy, capacity resources or renewable energy credits. Consumer-owned transmission and distribution utilities may enter into contracts under this subsection only as agents for their customers and only in accordance with this section.

3. Sale of energy; contract procedures. Energy, capacity resources or renewable energy credits contracted through long-term contracts pursuant to this section may be sold into the wholesale electricity market separately or in conjunction with solicitations for standard-offer supply bids under section 3212 or solicitations for green power offer bids under section 3212-B. To the greatest extent possible, the commission shall develop procedures for long-term contracts for transmission and distribution utilities under this section having the same legal and financial effect as the procedures used for standard-offer service pursuant to section 3212 for transmission and distribution utilities.

4. Contract term. A contract entered into pursuant to this section may not be for more than 20 years.

5. Contract pricing; cost containment. The commission shall solicit contract bids under the program. In selecting contracts, the commission shall weigh the characteristics of a proposed combined heat and power project as follows:

A. A weight of 30% must be given to the combined efficiency of the electricity generation and heat utilization of the project;

B. A weight of 40% must be given to the total cost of the project; and

C. A weight of 30% must be given to the following factors:

(1) The design of the project to meet the State's waste reduction and diversion priorities established by Title 38, section 2101, including, but not limited to, the proximity of the project to wood fuel derived from forest products manufacturing residuals;

(2) The location of the project and whether electricity generated will meet a demand for electricity;

(3) The net greenhouse gas emissions from the project, as determined in consultation with the Department of Environmental Protection;

(4) The economic impact to the State from the project, including, but not limited to, jobs the project will create and maintain in wood fuel supply, at the electric generation plant and at the facility using the heat;

(5) Whether the generation of electricity most effectively accounts for the changing seasonal time of day and other electricity usage characteristics associated with beneficial electrification as defined in section 10102, subsection 3-A over the duration of the contract; and

(6) The effect on other Class I resources and Class IA resources, as defined in section 3210, subsection 2.

The commission may not direct an investor-owned transmission and distribution utility to enter into a long-term contract under this chapter in which the contract price for energy exceeds 10 cents per kilowatt-hour.

If at the close of the competitive bidding process under this subsection the commission determines that no proposal meets the requirements of the solicitation or that an approval is not in the public interest, the commission may reject all proposals and may open a new competitive bidding process.

6. Cost and benefit allocation. The commission shall ensure that all costs and benefits associated with contracts involving investor-owned transmission and distribution utilities entered into under this section are allocated to electricity consumers in accordance with section 3210-F.

7. Contract payments. Contracts for capacity and related energy entered into pursuant to this section must provide that payments will be made only after contracted amounts of energy have been provided.

8. Ratepayer protection. The commission shall ensure that mechanisms are established to provide protections for ratepayers over the term of contracts entered into pursuant to this section.

§3625. Rules

The commission may adopt rules to implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§3626. Tracking; biennial report

The commission shall develop and administer a system to register and track the development of combined heat and power projects under this chapter and by January 15, 2023, and biennially thereafter, shall report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the program and the development of combined heat and power projects. The report must include, but is not limited to:

1. Combined heat and power project development. Documentation of the progress of combined heat and power project development, including the number of such projects in the State, the net generating capacity of those projects and the kilowatt-hours of electricity purchased from those projects; and

2. Program implementation; assessment; recommendations. Actions taken by the commission to implement the program, an assessment of the effectiveness of the program with respect to encouraging the sustainable development of combined heat and power projects in the State and recommendations, including any necessary implementing legislation, to improve the program.

§3627. Regulatory approvals; use of public resources

1. Regulatory approval. The development, siting and operation of a combined heat and power project is subject to all applicable regulatory reviews and approvals required by governmental entities, including, but not limited to, municipalities and state agencies, pursuant to law, ordinance or rule.

2. Use of publicly owned land, water or facilities. Nothing in this chapter limits the authority of the State or a political subdivision of the State to use publicly owned land, water or facilities in the development and operation of a combined heat and power project or to lease publicly owned land, water or facilities to other qualifying owners for the development and operation of a combined heat and power project.

See title page for effective date.

**CHAPTER 605
H.P. 1044 - L.D. 1428**

**An Act To Increase the
Availability of Intranasal
Naloxone in Community and
Corrections Settings**

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

Sec. 1. 22 MRSA §2353, sub-§1, ¶F is enacted to read:

F. "Corrections officer" means a person who is responsible for the custody or direct supervision of a person confined in a jail, prison or correctional facility pursuant to an order of a court or as a result of an arrest.

Sec. 2. 22 MRSA §2353, sub-§3, as amended by PL 2017, c. 220, §1, is further amended to read:

3. Authorized administration and dispensing of naloxone hydrochloride by law enforcement officers, corrections officers and municipal firefighters. A law enforcement agency as defined in Title 25, section 3701, subsection 1, a regional or county jail, a prison, a correctional facility as defined in Title 34-A, section 1001, subsection 6 or a municipal fire department as defined in Title 30-A, section 3151, subsection 1 is authorized to obtain a supply of naloxone hydrochloride to be administered or dispensed in accordance with this subsection. A law enforcement officer as defined in Title 17-A, section 2, subsection 17, in accordance with policies adopted by the law enforcement agency, a corrections officer ~~who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A~~, in accordance with policies adopted by the jail, prison or correctional facility, and a municipal firefighter as defined in Title 30-A, section 3151, subsection 2, in accordance with policies adopted by the municipality, may administer or dispense intranasal naloxone hydrochloride as clinically indicated if the law enforcement officer, corrections officer or municipal firefighter has received medical training in accordance with protocols adopted by the Medical Direction and Practices Board established in Title 32, section 83, subsection 16-B. The Medical Direction and Practices Board shall establish medical training protocols for law enforcement officers, corrections officers and municipal firefighters pursuant to this subsection.

See title page for effective date.
