

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

4. **Report.** The Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters by September 30, 2022 on the timeline and progress toward finalizing and implementing the rate studies.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

Effective April 20, 2022, unless otherwise indicated.

**CHAPTER 636
S.P. 711 - L.D. 1980**

An Act To Allow Internet Payment for Tickets and Chances for Raffles Held by Nonprofit Organizations and Other Eligible Organizations and To Require the Gambling Control Unit To Adopt Certain Rules

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

Whereas, eligible nonprofit organizations in the State rely on fund-raising to meet their charitable goals; and

Whereas, the COVID-19 pandemic has severely restricted the ability of eligible nonprofit organizations to effectively raise funds, which has directly led to a reduction in charitable giving; and

Whereas, allowing eligible nonprofit organizations to modernize their fund-raising process is needed and will increase charitable giving across the State, especially during the summer tourist season; 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. 17 MRSA §1831, sub-§7-B, as enacted by PL 2021, c. 136, §2, is amended to read:

7-B. Internet raffle. "Internet raffle" means a raffle in which a person purchases a raffle chance or ticket through, and a winner or winning chances are determined by, a mobile application or other digital platform that involves, at least in part, the use of the Internet. A

raffle where a winner or winning chance is determined by drawing from a container is not an Internet raffle, even if some or all of the raffle chances or tickets are purchased through a digital platform.

Sec. 2. 17 MRSA §1837-A, sub-§7, as enacted by PL 2021, c. 136, §10, is amended to read:

7. Internet raffles; restrictions. An eligible organization described in section 1832, subsection 2 may conduct a raffle described in subsection 2-A or subsection 4 as an Internet raffle if the eligible organization registers with the Gambling Control Unit and the Internet raffle is operated in accordance with the requirements of this chapter by an Internet raffle operator identified on the registration form. Notwithstanding subsection 6, an eligible organization may not conduct more than one Internet raffle at the same time. The eligible organization and Internet raffle operator may not permit a person under 18 years of age to purchase a chance or ticket for an Internet raffle and may not advertise or market the Internet raffle in a manner that has a high likelihood of reaching persons under 18 years of age or that is specifically designed to appeal particularly to persons under 18 years of age.

Sec. 3. 17 MRSA §1837-C is enacted to read:
§1837-C. Raffle entry by payment management system

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

A. "Geolocation technology" means a computer program or data collection system that can be used to identify the geographic location of a person interacting with that computer program or data collection system through the Internet.

B. "Payment management system" means a mobile application or other digital platform and the accompanying computer software used to accept payment for a raffle chance or ticket through the Internet.

2. Use of payment management system. When conducting a raffle under section 1837-A that is not an Internet raffle, an eligible organization may accept payment for a raffle chance or ticket from a payment management system if:

A. The payment management system is approved by the director under subsection 3;

B. The raffle chance or ticket is purchased by a person who is at least 18 years of age; and

C. The raffle chance or ticket is purchased by a person who is physically located in the State or another state where the purchase of that raffle chance or ticket would be legal under the laws of that state.

If the eligible organization determines that the purchase of a raffle chance or ticket is made in violation of paragraph B or C, the organization shall immediately refund the payment and void the raffle chance or ticket associated with the purchase.

If the eligible organization conducts a raffle in which a winner receives a firearm, the transfer of that firearm to the winner must be processed through a holder of a federal license for a dealer in firearms who is not a dealer in destructive devices under 18 United States Code, Section 923(a)(3)(B).

An eligible organization that fails to comply with this subsection commits a civil violation punishable by a fine of not less than \$500 and not more than \$5,000.

3. Approval of payment management system.

Upon request from an eligible organization, the director may approve a payment management system for use by the organization in conducting a raffle that is not an Internet raffle only if the director determines that the payment management system:

A. Does not permit the extension of credit from the eligible organization to a person who purchases a raffle chance or ticket;

B. Does not permit a person to initiate a transaction to purchase a raffle chance or ticket and finalize the transaction by providing payment by mail;

C. Includes adequate measures to ensure that a person who purchases a raffle chance or ticket is at least 18 years of age;

D. Includes geolocation technology to determine with a reasonable degree of certainty the state in which a person who purchases a raffle chance or ticket is physically located at the time the purchase is made and allows an eligible organization to prevent a person from purchasing a raffle chance or ticket while the person is physically located in a state where the purchase of that raffle chance or ticket would not be legal under the laws of that state;

E. Provides for the immediate refund of any payment to purchase a raffle chance or ticket made by a person who the organization discovers is under 18 years of age at the time of purchase or was physically located in a state where the raffle being conducted is not legally permitted at the time of purchase;

F. Includes adequate measures to protect the privacy and security of payment information submitted by persons who purchase raffle chances or tickets during the purchase process; and

G. Enables the eligible organization to satisfy the record-keeping and reporting requirements in subsection 6 as well as any other requirements established by the Gambling Control Unit by rule.

4. Payment. A payment management system approved by the director under this section may permit the use of a debit card or other payment method that the eligible organization uses to accept membership dues from out-of-state members and may allow a member of the eligible organization to request that payment for a raffle chance or ticket be made using the member's funds already within the possession of the eligible organization.

5. Guidance for raffle operators. Upon receipt of a request to approve a payment management system under subsection 3, the director shall provide the eligible organization with a guidance document including any information the director determines necessary to assist the eligible organization in complying with the requirements of this section.

6. Record-keeping and reporting requirements. In addition to the record-keeping requirements under section 1839, an eligible organization that uses a payment management system to conduct a raffle shall:

A. Retain for a period of 3 years an electronic copy of each receipt for the sale of a raffle chance or ticket sold using the payment management system;

B. Retain for a period of one year a physical copy of each raffle ticket stub generated by the sale of a chance or ticket for a raffle sold using the payment management system;

C. Maintain raffle ticket stubs retained under paragraph A or B separately for each individual raffle;

D. Provide receipts for raffle chances or tickets and raffle ticket stubs retained under this subsection to the Gambling Control Unit on request; and

E. Submit an annual report to the Gambling Control Unit that includes the number of raffles conducted using a payment management system during the year covered by the report and the amount of gross receipts for each of those raffles.

An eligible organization that fails to comply with this subsection commits a civil violation punishable by a fine of not less than \$500 and not more than \$5,000.

Sec. 4. Rulemaking required. No later than September 30, 2022, the Department of Public Safety, Gambling Control Unit shall adopt rules relating to games of chance to add a definition of "immediate family member" and, for a Lucky Seven or similar sealed ticket game of chance, to allow limited posting of whether a prize has been awarded and to eliminate the requirement to sell an entire box of serial-numbered tickets before the end of that serial-numbered game. The Gambling Control Unit shall hold a public hearing regarding the adoption of rules required by this section and, after the public hearing, shall allow the submission of written comments regarding the rules for a period of 30 days.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF
Gambling Control Board Z002**

Initiative: Provides allocation for one Public Safety Inspector I position and associated All Other costs.

OTHER SPECIAL	2021-22	2022-23
REVENUE FUNDS		
POSITIONS -	0.000	1.000
LEGISLATIVE COUNT		
Personal Services	\$0	\$75,161
All Other	\$0	\$8,389
OTHER SPECIAL REVENUE	\$0	\$83,550
FUNDS TOTAL		

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

Effective April 20, 2022.

CHAPTER 637

H.P. 1309 - L.D. 1758

**An Act Regarding Access to
Telehealth Behavioral Health
Services during Public Health
Emergencies**

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

Sec. 1. 22 MRSA §51 is enacted to read:

§51. Exemption to written informed consent requirement for mental health services and substance use disorder treatment during public health emergency

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

A. "Licensed facility" means a facility licensed under Title 5, section 20005, subsection 6, paragraph B or Title 34-B, section 1203-A.

B. "Public health emergency" means a federal public health emergency declared pursuant to 42 United States Code, Section 247d or a state public health emergency declared pursuant to section 802 or Title 37-B, chapter 13, subchapter 2.

2. Informed consent. The department may not require a licensed facility to obtain written informed consent from a person receiving mental health services or substance use disorder treatment from the licensed facility during a public health emergency. A licensed facility shall obtain consent from a person receiving mental health services or substance use disorder treatment

during a public health emergency; such consent may be obtained through verbal, electronic or written means.

3. Rulemaking. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Department of Health and Human Services to amend certain licensing rules. No later than January 1, 2023, the Department of Health and Human Services shall amend its rules in 14-193 C.M.R. Chapter 6, Licensing of Mental Health Facilities, and 14-118 C.M.R. Chapter 5, Regulations for Licensing and Certifying of Substance Abuse Treatment Programs, to allow a facility licensed under the Maine Revised Statutes, Title 5, section 20005, subsection 6, paragraph B or Title 34-B, section 1203-A to obtain consent through verbal, electronic or written means from a person during a public health emergency in accordance with Title 22, section 51. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 638

H.P. 1355 - L.D. 1822

**An Act To Improve Access to
Behavioral Health Services by
Limiting Cost Sharing by
Insurers**

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

Sec. 1. 24-A MRSA §4320-A, sub-§3, as enacted by PL 2019, c. 653, Pt. C, §1, is amended to read:

3. Primary health services. An individual or small group health plan with an effective date ~~on or after~~ from January 1, 2021 ~~to December 31, 2022~~ must provide coverage without cost sharing for the first primary care office visit and first behavioral health office visit in each plan year and may not apply a deductible or coinsurance to the 2nd or 3rd primary care and 2nd or 3rd behavioral health office visits in a plan year. Any ~~copays~~ copayments for the 2nd or 3rd primary care and 2nd or 3rd behavioral health office visits in a plan year count toward the deductible. This subsection does not apply to a plan offered for use with a health savings account unless the federal Internal Revenue Service determines that the benefits required by this section are permissible benefits in a high deductible health plan as defined in the federal Internal Revenue Code, Section 223(c)(2). The superintendent shall conduct a study analyzing the effects of this subsection on premiums based on experience in plan years 2020 and 2021. The superintendent may adopt rules as necessary to address the coordination of the requirements of this subsection