

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

Sec. 3. Application. This Act applies to property taxes based on the status of property on or after April 1, 2023.

See title page for effective date.

CHAPTER 683

H.P. 492 - L.D. 665

**An Act To Promote Better
Dental Care for Cancer
Survivors**

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

Sec. 1. 24-A MRSA §4320-S is enacted to read:

§4320-S. Coverage for dental services for cancer patients

1. Required coverage. Except as provided in subsection 2, a carrier offering a health plan in this State shall provide coverage for medically necessary dental procedures in accordance with the following for an enrollee who has been diagnosed with cancer.

A. Coverage must be provided for fluoride treatment and dental procedures that are medically necessary to reduce the risk of infection or eliminate infection or to treat tooth loss or decay in an enrollee prior to beginning cancer treatment, including chemotherapy, biological therapy or radiation therapy treatment.

B. Coverage must be provided for dental procedures that are medically necessary to reduce the risk of infection or eliminate infection or to treat tooth loss or decay that are the direct or indirect result of cancer treatment, including chemotherapy, biological therapy or radiation therapy treatment.

C. Coverage required under this subsection must include coverage for laboratory assessments, medications and treatments.

2. Routine preventive dental care not required.

A carrier is not required to provide coverage for routine preventive dental care, including cleaning and sealants.

Sec. 2. No addition to State's essential health benefits; legislative finding. The Legislature finds that the requirements of this Act do not constitute an addition to the State's essential health benefits that requires defrayal of costs by the State pursuant to 42 United States Code, Section 18031(d)(3)(B) because the requirements clarify that health insurance carriers must cover medically necessary dental procedures prior to beginning cancer treatment and that are the direct or indirect result of cancer treatment under the law in effect prior to the effective date of this Act.

Sec. 3. Application. The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2024. 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 684

S.P. 266 - L.D. 679

**An Act To Establish a
Statewide Electronic Warrant
System**

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

Sec. 1. 4 MRSA §17, sub-§16, as amended by PL 1993, c. 675, Pt. C, §8, is further amended to read:

16. Report on out-of-state travel. Submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a quarterly report on out-of-state travel activity of the Judicial Department. The report must be submitted within 15 days after the end of each quarter and must include, for each individual who has been authorized to travel, the destination, purpose and cost by funding source of each trip; ~~and~~

Sec. 2. 4 MRSA §17, sub-§17, ¶C, as enacted by PL 1993, c. 675, Pt. C, §9, is amended to read:

C. The statement on proposed legislation prepared by the State Court Administrator must be considered in the preparation of the fiscal note included in a committee amendment or other amendment if the legislation or amendment has a fiscal impact on the judicial system, as determined by the State Court Administrator; ~~and~~

Sec. 3. 4 MRSA §17, sub-§18 is enacted to read:

18. Statewide electronic warrant system. Establish a secure system for the application, issuance and return of arrest warrants and search warrants that is electronic and that provides access to authorized users statewide.

A. For the purposes of this subsection, "electronic signature" means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document, including but not limited to an electronic representation of an actual handwritten signature that is captured at the time of signature by the person or is digitally reproduced from a previously saved signature.

B. The statewide electronic warrant system established pursuant to this subsection must:

- (1) Provide for personal appearance and authorization by means of telecommunication or electronic communication;
- (2) Provide for secure access for authorized users, at varying levels of authorization, and guard the integrity of an application and all information and documents related to the application;
- (3) Provide for submission of information and evidence to support the application in electronic form;
- (4) Require a showing of probable cause based on oath or affirmation. An oath or affirmation may be provided in electronic format;
- (5) Provide for use of an electronic signature by the applicant;
- (6) Provide a method for the issuing official to disapprove, approve or approve with modifications the application, the means for using an electronic signature by the issuing official and a mechanism for electronic issuance;
- (7) Provide a mechanism for the applicant to obtain the issued arrest warrant or search warrant and a mechanism for return by the applicant when the warrant has been executed or, if the warrant was not served within the time period stated in the warrant, a mechanism to return the warrant unserved; and
- (8) Provide a mechanism for the retention of all information submitted to or communicated by or within the system.

Sec. 4. 15 MRSA §55, as amended by PL 2017, c. 144, §2, is further amended to read:

§55. Search warrants; issuance by justice, judge or justice of the peace

A justice of the Superior Court, a judge of the District Court or a justice of the peace shall issue search warrants for any place in the State for such purposes as the ~~Constitution of the United States~~ Constitution and the Constitution of Maine permit, including with respect to any violation over which the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians exercises exclusive jurisdiction under Title 30, section 6209-A, 6209-B or 6209-C. The evidence presented to the magistrate in support of the search warrant may consist of affidavits and other evidence under oath or affirmation that is capable of being reduced to a record for purposes of review. The application for the search warrant and supporting information and evidence must be submitted in accordance with rules adopted by the Supreme Judicial Court, except that, following the establishment of a statewide

electronic warrant system as provided in Title 4, section 17, subsection 18, the filing of the application and supporting information and evidence may be done electronically, if presented to a justice of the Superior Court or a judge of the District Court or a justice of the peace authorized by rule of the Supreme Judicial Court to issue warrants electronically, and the warrant issued and returned electronically. The Supreme Judicial Court shall by rule provide the procedure of the application for and issuance of search warrants. When no procedure is specified by the Supreme Judicial Court, the justice, judge or justice of the peace shall proceed in any reasonable manner that is authorized by this section, that, if presented electronically, conforms to the requirements of Title 4, section 17, subsection 18 and that will allow the issuance of a search warrant for any constitutional purpose. A justice, a judge or a justice of the peace shall issue a search warrant for a domestic or foreign entity that is a provider of electronic communication service or a provider of remote computing service in accordance with the provisions of this section and section 56.

Sec. 5. Rule amendments. The Supreme Judicial Court shall adopt amendments to the Maine Rules of Unified Criminal Procedure, Rule 4, Arrest Warrant or Summons, effective on the date of the establishment of the statewide electronic warrant system pursuant to the Maine Revised Statutes, Title 4, section 17, subsection 18, to provide for the application, issuance and return of arrest warrants and search warrants through electronic means.

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

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides ongoing funding to contract for an eWarrant System.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$225,000
GENERAL FUND TOTAL	\$0	\$225,000

Courts - Supreme, Superior and District 0063

Initiative: Provides ongoing funding for technology costs to ensure judges and justices can access the eWarrant System off-site.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$31,000
GENERAL FUND TOTAL	\$0	\$31,000

JUDICIAL DEPARTMENT

DEPARTMENT TOTALS	2021-22	2022-23
GENERAL FUND	\$0	\$256,000

DEPARTMENT TOTAL -	\$0	\$256,000
ALL FUNDS		

See title page for effective date.

**CHAPTER 685
H.P. 512 - L.D. 700**

**An Act To Promote Economic
Development and Outdoor
Recreation through Investment
in State Parks**

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

Sec. 1. 12 MRSA §1819, 2nd ¶, as amended by PL 2013, c. 1, Pt. J, §1 and c. 405, Pt. A, §24, is further amended to read:

Unless otherwise provided by law, and after payment of any existing lease for Crescent Beach State Park, all user fees derived from use of state parks, historic sites and the Allagash Wilderness Waterway and other payments for services received under this section must accrue to the General Fund, except that all revenues resulting from an increase in fees after July 1, 1990 in the Allagash Wilderness Waterway accrue to a dedicated revenue account to be used for capital improvements in the Allagash Wilderness Waterway. After 2025, all revenue in excess of \$5,476,268, after all other adjustments have been made, accrues to a nonlapsing dedicated revenue account to be used for capital improvements at state parks and historic sites; this account may also be used to match federal allocations from the land and water conservation fund established pursuant to the federal Land and Water Conservation Fund Act of 1965. When fees may be more efficiently collected through 3rd-party contracts, a percentage of the fee may be retained by the contractor for services as agreed upon by the bureau.

See title page for effective date.

**CHAPTER 686
H.P. 526 - L.D. 716**

**An Act To Enhance and
Improve the Maine
Developmental Services
Oversight and Advisory Board**

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

Sec. 1. 22 MRSA §3474, sub-§3, ¶C, as corrected by RR 1991, c. 2, §80, is amended to read:

C. A grand jury on its determination that access to those records is necessary in the conduct of its official business; ~~and~~

Sec. 2. 22 MRSA §3474, sub-§3, ¶D, as corrected by RR 1991, c. 2, §81, is amended to read:

D. An advocacy agency conducting an investigation under chapter 961, United States Public Law 88-164, Title I, Part C or United States Public Law 99-319, regarding a developmentally disabled person or mentally ill person who is or who, within the last 90 days, was residing in a facility rendering care or treatment, when a complaint has been received by the agency or there is probable cause to believe that that individual has been subject to abuse or neglect, and that person does not have a legal guardian or the person is under public guardianship. The determination of which information and records are relevant to the investigation is made by agreement between the department and the agency; ~~and~~

Sec. 3. 22 MRSA §3474, sub-§3, ¶E is enacted to read:

E. The Maine Developmental Services Oversight and Advisory Board established in Title 5, section 12004-J, subsection 15. Access is limited to aggregate data regarding investigations under this chapter relating to persons receiving adult developmental services as defined in Title 34-B, section 1001, subsection 1-A. Data must be provided at least quarterly. The determination of aggregate data to be provided is made by agreement between the department and the Maine Developmental Services Oversight and Advisory Board.

Sec. 4. 34-B MRSA §1223, sub-§6, as enacted by PL 2007, c. 356, §7 and affected by c. 695, Pt. D, §3, is amended to read:

6. Budget. The Department of Administrative and Financial Services shall administer the budget of the board. The board shall provide to the commissioner Commissioner of Administrative and Financial Services a proposed budget in accordance with a schedule agreed to by the chair and the commissioner Commissioner of Administrative and Financial Services. The department Department of Administrative and Financial Services shall include in its estimate of expenditure and appropriation requirements filed pursuant to Title 5, section 1665 sufficient funds, listed in a separate account as a separate line item, to enable the board to perform its duties.

Sec. 5. 34-B MRSA §1223, sub-§10, as amended by PL 2013, c. 310, §1, is further amended to read:

10. Access to information. The board is entitled to access to information from the department necessary