

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

(ii) Whether an entity is employee-owned, including but not limited to an entity that offers employee stock ownership plans or is structured as a worker cooperative.

See title page for effective date.

CHAPTER 706

H.P. 1532 - L.D. 2040

An Act To Maintain a Comprehensive Substance Use Disorder Treatment Program for Maine's Incarcerated Population

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

Sec. 1. 34-A MRSA §3050 is enacted to read:

§3050. Comprehensive substance use disorder treatment program

The commissioner shall maintain a comprehensive substance use disorder treatment program, referred to in this section as "the program," in all correctional facilities. The program must include, but is not limited to, screening, assessment and treatment of persons residing in correctional facilities for substance use disorder, including alcohol use disorder.

1. Screening, assessment and treatment. The program must include screening, assessment and treatment, including, but not limited to, screening during the intake process, medically managed withdrawal, medication-assisted treatment, individual and group counseling and other behavioral treatment options. Medication-assisted treatment must use medications approved or authorized by the United States Food and Drug Administration for the treatment of substance use disorder, including alcohol use disorder, including at least one of each formulation of all United States Food and Drug Administration-approved medication-assisted treatments for those disorders.

2. Training and technical assistance. The program must provide initial and ongoing training and technical assistance for correctional facility staff and health care practitioners in each correctional facility.

3. Program coordination. The program must include coordination with community-based treatment and recovery organizations to facilitate supportive reentry and continuity of care after release.

4. Report. The department shall provide an annual report regarding the program to the joint standing committee of the Legislature having jurisdiction over

criminal justice and public safety matters by January 15th.

See title page for effective date.

CHAPTER 707

S.P. 31 - L.D. 23

An Act To Reinstate and Increase the Income Tax Deduction for Contributions to Education Savings Plans

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

Sec. 1. 36 MRSA §5122, sub-§2, ¶YY is enacted to read:

YY. For taxable years beginning on or after January 1, 2023, the portion of contributions to a qualified tuition program established under Section 529 of the Code up to \$1,000 per designated beneficiary. This deduction may not be claimed when federal adjusted gross income exceeds \$100,000 for a single individual and married persons filing separate returns or \$200,000 for individuals filing married joint returns and heads of households.

See title page for effective date.

CHAPTER 708

H.P. 51 - L.D. 85

An Act Concerning MaineCare Coverage for Donor Breast Milk

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

Sec. 1. 22 MRSA §3174-III is enacted to read:

§3174-III. Reimbursement for donor breast milk

1. Reimbursement. The department shall provide reimbursement under the MaineCare program for pasteurized donor breast milk provided to an infant receiving benefits under this chapter if a physician or physician assistant licensed under Title 32, chapter 36 or 48 or an advanced practice registered nurse licensed under Title 32, chapter 31 signs an order stating that:

A. The infant is medically or physically unable to receive maternal breast milk or participate in breastfeeding or the infant's mother is medically or physically unable to produce maternal breast milk in quantities sufficient for the infant; and

B. The infant:

- (1) Was born at a birth weight of less than 1,500 grams;
- (2) Has a gastrointestinal anomaly or metabolic or digestive disorder or is recovering from intestinal surgery and the infant's digestive needs require additional support;
- (3) Is not appropriately gaining weight or growing;
- (4) Has formula intolerance and is experiencing weight loss or difficulty feeding;
- (5) Has low blood sugar;
- (6) Has congenital heart disease;
- (7) Has received or will receive an organ transplant; or
- (8) Has another serious medical condition for which donor breast milk is medically necessary.

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

Sec. 2. Medicaid state plan amendment or waiver. The Department of Health and Human Services shall prepare and submit a Medicaid state plan amendment or waiver as necessary to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services no later than January 1, 2023 that provides or requests, as appropriate, Medicaid coverage consistent with this Act for donor breast milk for infants.

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

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Medical Care - Payments to Providers 0147

Initiative: Provides appropriations and allocations to the Department of Health and Human Services to provide reimbursement under the MaineCare program for pasteurized donor breast milk provided to an infant if a physician, physician assistant or advanced practice registered nurse signs an order stating that such milk is necessary.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$157,872
GENERAL FUND TOTAL	\$0	\$157,872
FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$0	\$279,690

FEDERAL EXPENDITURES	\$0	\$279,690
FUND TOTAL		

See title page for effective date.

**CHAPTER 709
H.P. 130 - L.D. 177**

**An Act To Support
Apprenticeship Programs**

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

Sec. 1. Transfer from Medical Use of Marijuana Fund. Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$200,000 from the Medical Use of Marijuana Fund, established in the Maine Revised Statutes, Title 22, section 2430, within the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2023.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Employment Services Activity 0852

Initiative: Provides ongoing funds to increase support for apprenticeship training reimbursement for registered apprenticeships within the Maine Apprenticeship Program as described in the Maine Revised Statutes, Title 26, section 3211, subsection 6, paragraph A.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$200,000
GENERAL FUND TOTAL	\$0	\$200,000

Employment Services Activity 0852

Initiative: Provides ongoing funds for educational programs that include both industry-based and job-related classroom instruction that is designed to prepare individuals to enter into and succeed in a registered apprenticeship program.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$200,000
GENERAL FUND TOTAL	\$0	\$200,000

**LABOR, DEPARTMENT OF
DEPARTMENT TOTALS**

GENERAL FUND	\$0	\$400,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$400,000

See title page for effective date.