

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

- C. Is employed for at least 80 hours per month; or
- D. Is found to be in special circumstances, including but not limited to being incapable of qualifying under paragraphs A to C due to a documented medical or behavioral health condition.

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

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

State-funded Foster Care/Adoption Assistance 0139

Initiative: Provides funding to raise the upper age limit from 20 years of age to 22 years of age for voluntary participation in extended care for persons who attained 18 years of age while in the care and custody of the State.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$351,284
GENERAL FUND TOTAL	\$0	\$351,284
FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$0	\$308,405
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$308,405

See title page for effective date.

CHAPTER 715

H.P. 1024 - L.D. 1390

An Act To Maximize Health Care Coverage for the Uninsured through Easy Enrollment in the MaineCare Program or in a Qualified Health Plan in the Marketplace

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

Sec. 1. 22 MRSA §5412 is enacted to read:

§5412. Easy enrollment program

The easy enrollment program is established under this chapter to identify residents of this State who are uninsured but qualify for benefits under the MaineCare program or a qualified health plan in the marketplace.

1. Tax checkoff. A person filing a tax return in this State pursuant to Title 36, chapter 803 who has marked the relevant check-off boxes on the state income tax form as described in Title 36, section 5294 is identified as a person who may be provisionally assessed as eligible for benefits under the MaineCare pro-

gram or to enroll in a qualified health plan in the marketplace. The department, in conjunction with the superintendent and the Department of Administrative and Financial Services, Bureau of Revenue Services, shall determine by rule the information necessary to be shared with the marketplace to provisionally assess eligibility and the schedule regarding the frequency of transferring the information.

2. Eligibility determination. The marketplace shall determine whether the person filing the tax return under subsection 1 has an address in the State and whether the persons in the household indicated as uninsured are already enrolled in the MaineCare program or a qualified health plan in the marketplace. The marketplace shall mail a notice to households with an address in the State and with persons in the household who are uninsured. The notice must notify the person filing the tax return that the person or other uninsured members of the household may be eligible for health care coverage and provide information about the special enrollment period available on the marketplace pursuant to subsection 3 and that MaineCare enrollment is available at any time. If the person filing the tax return has included an e-mail address or other contact information, the marketplace shall contact the person using the preferred method of communication indicated on the tax return.

3. Special enrollment period; assistance; coverage begins. A person filing a tax return under subsection 1 who is provisionally assessed as eligible to enroll in a qualified health plan in the marketplace has a special enrollment period that begins on the date of the tax filing and ends 35 days from the date of the notice mailed by the marketplace to the person pursuant to subsection 2. Once a person begins the application to enroll in a qualified health plan in the marketplace, the marketplace shall provide assistance through follow-up e-mails or another preferred method of communication until the person is successfully enrolled or the marketplace determines that the person does not wish to enroll. Coverage in the marketplace is effective on the first day of the month after the date a plan is selected by the person.

4. Medicaid coverage. If the marketplace determines that any member of the household is eligible for benefits under the MaineCare program under this section, the marketplace shall notify the department and the person who filed the tax return of the potential eligibility. The department shall contact the person who filed the tax return using the person's preferred method of communication and provide assistance with the MaineCare application unless the marketplace determines that the person does not wish to enroll.

5. Outreach efforts. The marketplace and department, after appropriate consultation with the superintendent, shall jointly develop educational materials and

programming to communicate the purpose of the income tax checkoff under Title 36, section 5294 and the benefits of enrolling in the MaineCare program or a qualified health plan in the marketplace to the public. The materials and programming must include materials developed for different target groups in the public, including, but not limited to, tax preparers, consumer assistance organizations, community groups and underserved groups. The materials must be made available in English and in languages appropriate for communities in the State whose primary languages are not English.

Sec. 2. 22 MRSA §5413 is enacted to read:

§5413. Easy enrollment advisory group; data collection

1. Advisory group. An advisory group is established to advise the department on state income tax changes including the format of check-off boxes on income tax forms pursuant to Title 36, section 5294, effectiveness of the easy enrollment program under section 5412, feasibility of automatic enrollment in health care plans, improvements to outreach materials, issues related to necessary information required for establishing eligibility while maintaining confidentiality and proposed changes to improve the program. The commissioner and the superintendent or the commissioner's or superintendent's designees are cochairs and shall convene the advisory group. The chairs shall jointly appoint members to the advisory group, and members must include the stakeholders described in section 5404, subsection 2, paragraph B and representatives of the Department of Administrative and Financial Services, Bureau of Revenue Services and professional tax preparers. The advisory group shall meet at least 3 times a year and as often as necessary to carry out its advisory duties.

2. Data collection. The department shall provide an annual report on the easy enrollment program under section 5412 to the joint standing committee of the Legislature having jurisdiction over health insurance matters and the joint standing committee of the Legislature having jurisdiction over MaineCare matters. The report must include the number of persons who marked the check-off boxes on tax returns as described in section 5412, subsection 1, the number provisionally assessed as eligible by the marketplace for benefits under the MaineCare program or a qualified health plan in the marketplace, the number who enrolled in the MaineCare program, the number who enrolled in qualified health plans in the marketplace, how many enrolled in a qualified health plan in the marketplace who were eligible for financial assistance and demographic data on enrollment. The report must be submitted by November 15th of each year beginning in 2024 and contain data based on the previous calendar year's tax return data.

Sec. 3. 36 MRSA §191, sub-§2, ¶1QQQ is enacted to read:

QQQ. The disclosure of information to the Maine Health Insurance Marketplace to administer the easy enrollment health insurance program pursuant to Title 22, section 5412 and the health insurance check-off box pursuant to section 5294.

Sec. 4. 36 MRSA §5294 is enacted to read:

§5294. Easy enrollment health insurance program; voluntary checkoff

1. Health insurance check-off box. For tax years beginning on or after January 1, 2023, the assessor shall provide on the income tax form a space for an easy enrollment health insurance check-off box that includes the following:

A. A check box indicating that the taxpayer filing the tax return does not have health care coverage;

B. A check box indicating that the spouse of the taxpayer filing the tax return does not have health care coverage;

C. A check box indicating whether any dependents of the taxpayer do not have health care coverage;

D. A check box authorizing the bureau to share information from the income tax return with the marketplace established in Title 22, chapter 1479; and

E. An e-mail address, telephone number or other preferred method of communication, if available, for additional contact by the marketplace under Title 22, chapter 1479.

2. Information sharing. The assessor shall forward to the marketplace established in Title 22, chapter 1479 the information of a taxpayer who marked any check box in paragraph A, B or C and marked the check box in paragraph D. The information transferred to the marketplace, and the frequency of that transfer, is established by rule according to Title 22, section 5412, subsection 1.

3. Rulemaking. The assessor 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. 5. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services, Bureau of 0002

Initiative: Provides funding for costs to capture, collect and report the data related to the health insurance individual income tax check-off box.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$3,855

GENERAL FUND TOTAL	\$0	\$3,855
Revenue Services, Bureau of 0002		
Initiative: Provides funding for one-time computer programming costs to add the health insurance check-off boxes to the individual income tax return.		
GENERAL FUND	2021-22	2022-23
All Other	\$0	\$55,000
GENERAL FUND TOTAL	\$0	\$55,000
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS		
	2021-22	2022-23
GENERAL FUND	\$0	\$58,855
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$58,855

See title page for effective date.

CHAPTER 716

H.P. 1159 - L.D. 1554

An Act To Provide Climate Change Transition Assistance for Maine's Energy-intensive Businesses

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

Sec. 1. 35-A MRSA §10109, sub-§3-A, as amended by PL 2017, c. 282, §1, is repealed.

Sec. 2. 35-A MRSA §10109, sub-§4, as amended by PL 2021, c. 298, §3, is further amended to read:

4. Expenditures; projects. Except for ~~transfers required under subsection 3-A and~~ other costs authorized in accordance with this chapter, funds in the trust fund must be expended in accordance with this subsection.

A. Trust funds must be allocated for measures, investments, loans, technical assistance and arrangements that reduce electricity consumption, increase energy efficiency or reduce greenhouse gas emissions and lower energy costs at commercial or industrial facilities and for investment in measures that lower residential heating energy demand and reduce greenhouse gas emissions. The measures that lower residential heating demand must be fuel-neutral and may include, but are not limited to, energy efficiency improvements to residential buildings, energy storage systems and upgrades to efficient heating systems that will reduce residential

energy costs and greenhouse gas emissions, as determined by the board. The trust shall ensure that measures to reduce the cost of residential heating are available for low-income households as defined by the trust. When promoting electricity cost and consumption reduction, the trust may consider measures at commercial and industrial facilities that also lower peak capacity demand, including energy storage systems. Subject to the apportionment pursuant to this subsection, the trust shall fund conservation programs that give priority to measures with the highest benefit-to-cost ratio, as long as cost-effective collateral efficiency opportunities are not lost, and that:

- (1) Reliably reduce greenhouse gas production and heating energy costs by fossil fuel combustion in the State at the lowest cost in funds from the trust fund per unit of emissions; or
- (2) Reliably increase the efficiency with which energy in the State is consumed at the lowest cost in funds from the trust fund per unit of energy saved.

B. Expenditures from the trust fund relating to conservation of electricity and mitigation or reduction of greenhouse gases must be made predominantly on the basis of a competitive bid process for long-term contracts, subject to rules adopted by the board under section 10105. Rules adopted by the board to implement the competitive bid process under this paragraph may not include an avoided cost methodology for compensating successful bidders. Bidders may propose contracts designed to produce greenhouse gas savings or electricity conservation savings, or both, on a unit cost basis. Contracts must be commercially reasonable and may require liquidated damages to ensure performance. Contracts must provide sufficient certainty of payment to enable commercial financing of the conservation measure purchased and its installation.

C. The board may target bid competitions in areas or to participants as they consider necessary, as long as the requirements of paragraph A are satisfied.

D. Community-based renewable energy projects, as defined in section 3602, subsection 1, may apply for funding from the trust to the extent they are eligible under paragraph A.

E. The size of a project funded by the trust fund is not limited as long as funds are awarded to maximize energy efficiency and support greenhouse gas reductions and to fully implement the triennial plan.

F. No more than \$800,000 of trust fund receipts in any one year may be used for the costs of administering the trust fund pursuant to this section. The