

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

Title 5, chapter 375, subchapter 2-A, except that the board shall hold a hearing in accordance with Title 5, section 8052 prior to the adoption of any rule proposed pursuant to this subsection.

See title page for effective date.

**CHAPTER 737
H.P. 561 - L.D. 756**

An Act Regarding Criminal Services for Juveniles

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

Sec. 1. Transfer from Liquor Operation Revenue Fund. Notwithstanding the Maine Revised Statutes, Title 30-A, section 6054, subsection 4, or any other provision of law to the contrary, and in addition to any amount authorized by law to be transferred in fiscal year 2022-23, the Maine Municipal Bond Bank shall transfer \$700,000 by June 30, 2023 from the Liquor Operation Revenue Fund, established in Title 30-A, section 6054, subsection 1, to the unappropriated surplus of the General Fund.

Sec. 2. Transfer of settlement money; fiscal year 2021-22. Notwithstanding any provision of law to the contrary, no later than June 30, 2023, the State Controller shall make a one-time transfer of \$300,000 from the money received pursuant to the Maine Revised Statutes, Title 5, section 203-A for antitrust enforcement or enforcement of the Maine Unfair Trade Practices Act to the Department of Education. The department shall use money received under this section to establish or expand:

1. School-based restorative justice programs;
2. Mentoring services for juveniles involved in the juvenile legal system; and
3. In collaboration with the Department of Labor, workforce development and educational or vocational programs for juveniles involved in the juvenile legal system.

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

**EDUCATION, DEPARTMENT OF
School and Student Supports Z270**

Initiative: Provides funding to establish or expand school-based restorative justice programs, mentoring services for juveniles involved in the juvenile legal system and, in collaboration with the Department of Labor, workforce development and educational and vocational programs for juveniles involved in the juvenile legal system.

GENERAL FUND	2021-22	2022-23
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All Other	\$0	\$700,000
GENERAL FUND TOTAL	\$0	\$700,000

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	\$300,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$300,000

See title page for effective date.

**CHAPTER 738
S.P. 156 - L.D. 811**

An Act To Protect the Reproductive Rights and Freedoms of Maine People

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 comprehensive sexual and reproductive health care services

Notwithstanding any provision of law to the contrary, the department shall provide reimbursement for sexual and reproductive health care providers for activities and services to address the health of MaineCare members in accordance with this section.

1. Definition. For purposes of this section, "sexual and reproductive health care provider" means an enrolled MaineCare provider engaged primarily in the delivery of services described in 42 United States Code, Section 1396d(a)(4)(C).

2. Comprehensive sexual and reproductive health care services payment. The department shall determine and pay each sexual and reproductive health care provider an amount based on the total number of MaineCare-covered patient encounters per month, to include patient encounters taking place on or after July 1, 2022. The payment must include compensation for the difference between the payment for services described in subsection 1 and 100% of the reasonable costs of operation, including without limitation the costs of all services. In determining the payment, the department may exclude only those incremental operating costs directly attributable to specific items and services that federal law explicitly prohibits Medicaid programs from reimbursing. The payment required by this subsection must be made for all encounters with a sexual and reproductive health care provider by any MaineCare member, regardless of the category or other basis for the member's eligibility for MaineCare coverage.

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.

The department shall pursue all opportunities to maximize available federal reimbursement, including available Medicaid match rates for or other opportunities to maximize state resources for family planning services.

Sec. 2. Rulemaking. The Department of Health and Human Services shall propose rules to implement the comprehensive sexual and reproductive health care services payment required by the Maine Revised Statutes, Title 22, section 3174-III, subsection 2 no later than October 1, 2022. The final rule adopted following publication of the proposed rule required by this section must make the comprehensive services payment effective retroactively to July 1, 2022. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

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 funding for an additional payment to sexual and reproductive health care providers for each MaineCare-covered patient encounter.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$239,821
GENERAL FUND TOTAL	\$0	\$239,821
FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$0	\$1,472,386
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,472,386

See title page for effective date.

**CHAPTER 739
H.P. 621 - L.D. 853**

An Act To Increase the Fees Paid to Sheriffs and Their Deputies for Service of Civil Process Documents

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

Sec. 1. 30-A MRSA §421, sub-§1, as amended by PL 1989, c. 6; c. 9, §2; c. 104, Pt. C, §§8 and 10; and c. 303, is further amended to read:

1. Civil process. For service of all writs or complaints with summonses, precepts, notices, executions, court orders, orders of service, copies and all other civil process or papers requiring service ~~which~~ that are not specified in this section:

A. For proceedings in forma pauperis, ~~\$4~~ \$8 for each such service and ~~\$8~~ \$40 if the service is made in hand;

B. For service on behalf of the State, ~~\$4~~ \$8 for each such service and ~~\$8~~ \$40 if the service is made in hand; and

C. For all other proceedings, ~~\$8~~ \$16 for each such service and ~~\$16~~ \$40 if the service is made in hand;

Sec. 2. 30-A MRSA §421, sub-§2, as amended by PL 1989, c. 6; c. 9, §2; c. 104, Pt. C, §§8 and 10; and c. 303, is further amended to read:

2. Disclosure subpoena. For the service of a disclosure subpoena as provided by Title 14, chapter 502, ~~\$16~~ \$40;

Sec. 3. 30-A MRSA §421, sub-§3, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Complaint for divorce. For the service of a complaint for divorce with a writ of attachment by serving summonses and attested copy of the writ and complaint, or for the service of a complaint for divorce with an order of court by attested copy, ~~\$8~~ \$40;

Sec. 4. 30-A MRSA §421, sub-§4, as amended by PL 1997, c. 5, §1, is further amended to read:

4. Attachment of real estate. For the attachment of real estate at the registry of deeds, ~~\$16~~ \$40;

Sec. 5. 30-A MRSA §421, sub-§5, as amended by PL 1997, c. 5, §1, is further amended to read:

5. Attachment of personal property; replevin. For the attachment of personal property or for the service of a writ of replevin, ~~\$16~~ \$40, and ~~\$10 more an~~ hourly rate determined by the sheriff to be charged for each hour after the first required for the service;

Sec. 6. 30-A MRSA §421, sub-§6, as amended by PL 2009, c. 205, §3, is further amended to read:

6. Civil arrests and custody. For civil arrests and custody under the arrest, including arrest and custody under paternity proceedings, ~~\$25~~ \$60 and an hourly rate determined by the sheriff to be charged for each hour after the first required for the service plus mileage at a at least the same rate of 42¢ per mile as provided under Title 5, section 8;

Sec. 7. 30-A MRSA §421, sub-§14, as amended by PL 1989, c. 6; c. 9, §2; c. 104, Pt. C, §§8 and 10; c. 303; and c. 502, Pt. A, §112 and repealed and