

# 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.**

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**Augusta, Maine**  
**2022**

H. Distribute and make available publicly accessible resources for the public on research, diagnosis, treatment and education about rare diseases; and

I. Compile an annual report, which must include, without limitation, a summary of the activities of the council and any recommendations of the council for legislation or other policies. The council shall:

(1) Post the report on a publicly accessible website maintained by the department; and

(2) Submit the report to the Governor, the commissioner and the Superintendent of Insurance within the Department of Professional and Financial Regulation and to the Executive Director of the Legislative Council for transmittal to the Legislature.

6. Authority to report out legislation. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out legislation related to the report required in subsection 5, paragraph I.

**Sec. 3. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 22, section 1700-B, subsection 3, the Commissioner of Health and Human Services, or the commissioner's designee, for the original appointments of members of the Rare Disease Advisory Council as established in Title 5, section 12004-I, subsection 48-A, shall designate the first 6 appointments for a one-year term, the 2nd 6 appointments for a 2-year term and the remaining 7 appointments for a 3-year term.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Maine Center for Disease Control and Prevention  
0143**

Initiative: Provides funding for 0.5 Public Health Educator III position to coordinate all the duties associated with the Rare Disease Advisory Council.

GENERAL FUND	2021-22	2022-23
POSITIONS -	0.000	0.500
LEGISLATIVE COUNT		
Personal Services	\$0	\$58,166
All Other	\$0	\$6,354
GENERAL FUND TOTAL	\$0	\$64,520

See title page for effective date.

**CHAPTER 741  
H.P. 741 - L.D. 1003**

**An Act To Improve Outcomes  
for Persons with Limb Loss**

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

**Sec. 1. 24-A MRSA §4315, sub-§2,** as amended by PL 2003, c. 688, Pt. I, §1, is further amended to read:

**2. Required coverage.** A carrier shall provide coverage for prosthetic devices in all health plans that, at a minimum, equals, except as provided in subsection 8, the coverage and payment for prosthetic devices provided under federal laws and regulations for the aged and disabled pursuant to 42 United States Code, Sections 1395k, 1395l and 1395m and 42 Code of Federal Regulations, Sections 414.202, 414.210, 414.228 and 410.100. Covered benefits must be provided for ~~a prosthetic device determined by the enrollee's provider, in accordance with section 4301-A, subsection 10-A, to be the most appropriate model that adequately meets the medical needs of the enrollee.~~

A. A prosthetic device determined by the enrollee's provider, in accordance with section 4301-A, subsection 10-A, to be the most appropriate model that adequately meets the medical needs of the enrollee; and

B. With respect to an enrollee under 18 years of age, in addition to coverage of a prosthetic device required by paragraph A, a prosthetic device determined by the enrollee's provider, in accordance with section 4301-A, subsection 10-A, to be the most appropriate model that meets the medical needs of the enrollee for recreational purposes, as applicable, to maximize the enrollee's ability to ambulate, run, bike and swim and to maximize upper limb function.

**Sec. 2. 24-A MRSA §4315, sub-§6,** as amended by PL 2009, c. 603, §1 and affected by §2, is further amended to read:

**6. Exclusions.** Coverage Except as provided in subsection 2, paragraph B for an enrollee under 18 years of age, coverage is not required pursuant to this section for a prosthetic device that is designed exclusively for an athletic purposes purpose.

**Sec. 3. 24-A MRSA §4315, sub-§9** is enacted to read:

**9. Report.** No later than June 30, 2028, each carrier that issues a health plan subject to this section shall report to the superintendent on its experience pursuant to this section for plan years 2024, 2025, 2026 and 2027. The report must be in a form prescribed by the superintendent and must include the number of claims

and the total amount of claims paid in this State for the services required by this section. The superintendent shall aggregate this data by plan year in a report and submit the report to the joint standing committee of the Legislature having jurisdiction over health coverage and insurance matters no later than November 1, 2028.

**Sec. 4. 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 the law requiring a health insurance carrier to provide coverage for prosthetic devices to meet the medical needs of an enrollee under 18 years of age includes a prosthetic device designed to meet the enrollee's medical needs for recreational purposes.

**Sec. 5. 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 742**

**H.P. 1083 - L.D. 1467**

**An Act To Promote a Circular Economy through Increased Post-consumer Recycled Plastic Content in Plastic Beverage Containers**

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

**Sec. 1. 28-A MRSA §1355-A, sub-§5, ¶J** is enacted to read:

J. A rectifier and a holder of a distillery or small distillery license shall comply with all applicable requirements of Title 38, section 1612.

**Sec. 2. 28-A MRSA §1381, sub-§4,** as enacted by PL 2019, c. 615, §4 and affected by §7, is amended to read:

**4. Conditions on certificate of approval.** A certificate of approval under this section is subject to the laws of the State, including, but not limited to, all applicable requirements of Title 38, section 1612, and the rules of the bureau.

**Sec. 3. 38 MRSA §1612** is enacted to read:  
**§1612. Plastic beverage containers**

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

A. "Beverage" has the same meaning as in section 3102, subsection 1.

B. "Beverage container" means a bottle, can, jar or other container made of glass, metal or plastic that has been sealed by a manufacturer and at the time of sale contains 4 liters or less of a beverage. "Beverage container" does not include a container composed, in whole or in part, of aluminum and plastic or aluminum and paper in combination as long as the aluminum content represents 10% or less of the unfilled container weight, the container materials represent 5% or less of the total weight of the container and its contents and the container is filled with a nonalcoholic beverage. "Beverage container" does not include a container composed of cardboard in combination with a plastic liner.

C. "Beverage manufacturing industry association" means an association that represents the interests of companies that manufacture beverages.

D. "Dealer" has the same meaning as in section 3102, subsection 6.

E. "Distributor" means a person that engages in the sale of beverages in beverage containers to a dealer in this State and includes a manufacturer that engages in such sales.

F. "Initiator of deposit" or "initiator" means a manufacturer, distributor or other person that initiates or is required to initiate under section 3103 a deposit on a plastic beverage container containing a beverage other than spirits.

G. "Manufacturer" means a person, partnership, association, corporation or other entity that, through its own action or through contract or control of another entity, is primarily responsible for the production of a beverage contained in a plastic beverage container for sale or distribution in the State.

H. "Nonrefillable beverage container" means a beverage container that, after being used by a consumer, is not to be reused as a beverage container by a manufacturer.

I. "Plastic" means a synthetic material made from fossil fuel or organic-based polymers, such as polyethylene, polystyrene, polypropylene and polycarbonate, that can be molded or blown into specific shapes.

J. "Plastic beverage container" means a nonrefillable beverage container that is composed wholly or in large part of plastic. "Plastic beverage con-