

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

B. Current or proposed memoranda of understanding between the Department of Education and the Department of Health and Human Services;

C. How the plan addresses each of the 16 minimum required components under the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1435(a) for a statewide, comprehensive system of early intervention services for infants and toddlers with disabilities; and

D. A detailed timeline for implementation, including but not limited to resources needed, any necessary statutory or regulatory changes and any other information necessary to implement the plan.

2. Consultation with the advisory committee.

The Department of Education shall consult and meet with the advisory committee under section 1 on the development of the plan.

3. Legislation.

The Department of Education shall draft suggested legislation to implement the plan developed, including but not limited to a new chapter of law in the Maine Revised Statutes, Title 20-A for the provision of early intervention services for children with disabilities from birth to under 3 years of age.

Sec. 3. Department of Education to conduct an analysis of the federal Extended Part C Option and make recommendations for services for children 3 years of age with disabilities.

Resolved: That the Department of Education shall conduct an analysis of the Extended Part C Option, including but not limited to its methodology, how it could be implemented and any unintended consequences that would need to be avoided if the State pursues the Extended Part C Option. The Department of Education shall also develop recommendations on the provision of services for children with disabilities who are 3 years of age, including but not limited to whether children 3 years of age should receive services through the quasi-independent government agency structure under section 2, school administrative units or a hybrid system. The Department of Education shall consult and meet with the advisory committee under section 1 as part of its analysis and development of recommendations under this section.

Sec. 4. Reports.

Resolved: That the Department of Education shall submit a report, no later than February 1, 2022, on the plan for early intervention services under section 2, subsection 1, including suggested legislation and a detailed analysis of any additional resources or statutory or regulatory changes necessary to implement the plan, the analysis of the Extended Part C Option and recommendations on the provision of services for children with disabilities who are 3 years of age under section 3, to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The Joint Standing Committee on Education and Cultural Affairs

may submit legislation to the Second Regular Session of the 130th Legislature related to the report. The advisory committee may also report to the Joint Standing Committee on Education and Cultural Affairs on the advisory committee's role in the development of the plan under section 2.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 15, 2021.

CHAPTER 111

S.P. 164 - L.D. 376

**Resolve, To Increase Certain
Chiropractic Reimbursement
Rates under the MaineCare
Program**

Sec. 1. Department of Health and Human Services to increase MaineCare rates for chiropractic services for manipulative treatments.

Resolved: That, no later than January 1, 2022, the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 15 to increase reimbursement rates for chiropractic services for manipulative treatments under procedure codes 98940, 98941 and 98942 to no less than 70% of the federal Medicare reimbursement rate for these services as long as the rate is no lower than the rate reimbursed as of January 1, 2021.

Sec. 2. Rate study. **Resolved:** That, notwithstanding section 1, if the Department of Health and Human Services conducts a rate study of chiropractic services for manipulative treatments, the department may adopt new rates for manipulative treatments that are recommended by the rate study by amending its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 15.

Sec. 3. Routine technical rules.

Resolved: That rules adopted pursuant to section 1 or 2 are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. 4. Appropriations and allocations. **Resolved:** That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Medical Care - Payments to Providers 0147

Initiative: Provides funding for the Department of Health and Human Services, by January 1, 2022, to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 15 to increase reimbursement rates for chiropractic services for manipulative

treatments under procedure codes 98940, 98941 and 98942 to no less than 70% of the federal Medicare reimbursement rate for these services.

GENERAL FUND	2021-22	2022-23
All Other	\$38,434	\$76,696
GENERAL FUND TOTAL	<hr/>	<hr/>
	\$38,434	\$76,696
FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$68,398	\$136,967
FEDERAL EXPENDITURES FUND TOTAL	<hr/>	<hr/>
	\$68,398	\$136,967

See title page for effective date.

CHAPTER 112
S.P. 232 - L.D. 595

Resolve, To Ensure That Access to Oral and Facial Ambulatory Surgical Centers in Maine Remains Viable

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, ambulatory surgical centers provide cost-effective, high-quality health care; and

Whereas, only one freestanding ambulatory surgical center in Maine deals with facial and oral surgery; and

Whereas, the current MaineCare reimbursement rate is inadequate to cover such procedures; and

Whereas, without an increase in the reimbursement rate, the center will stop accepting MaineCare patients; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Department of Health and Human Services to increase MaineCare rate for certain dental procedures performed by freestanding ambulatory surgical centers. Resolved: That the Department of Health and Human Services shall amend its reimbursement rate under the MaineCare program for dental code 41899 to \$1,250 per procedure for freestanding ambulatory surgical centers performing procedures on the dentoalveolar structure. Rules adopted pursuant to this section are routine technical rules as

defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Provides funding for the Department of Health and Human Services to amend its reimbursement rate under the MaineCare program for dental code 41899 to \$1,250 per procedure for freestanding ambulatory surgical centers performing procedures on the dentoalveolar structure.

GENERAL FUND	2021-22	2022-23
All Other	\$148,115	\$147,806
GENERAL FUND TOTAL	<hr/>	<hr/>
	\$148,115	\$147,806
FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$329,659	\$329,968
FEDERAL EXPENDITURES FUND TOTAL	<hr/>	<hr/>
	\$329,659	\$329,968

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 15, 2021.

CHAPTER 113
H.P. 490 - L.D. 663

Resolve, Establishing a Comprehensive Substance Use Disorder Treatment Pilot Program for Maine's Incarcerated Population

Sec. 1. Comprehensive substance use disorder treatment pilot program. Resolved: That the Commissioner of Corrections shall establish and maintain a comprehensive substance use disorder treatment pilot program, referred to in this resolve as "the program," in all state correctional facilities. The program must include, but is not limited to, screening, assessment and treatment of persons residing in state correctional facilities for substance use disorder, including alcohol use disorder.

1. 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