

# 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.**

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**Augusta, Maine**  
**2021**

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

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

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

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 substance use disorder including alcohol use disorder and opioid use disorder.

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

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

The Department of Corrections shall provide a report regarding the program to the Joint Standing Committee on Criminal Justice and Public Safety by January 30, 2022. The report must provide detailed information regarding an analysis of expenditures made by the department to establish and maintain a comprehensive substance use disorder program and information on the amount of funding remaining from the funds allocated in this resolve. The joint standing committee may report out a bill based on the report to the Second Regular Session of the 130th Legislature.

**Sec. 2. Transfer of settlement funds; fiscal year 2021-22. Resolved:** That, notwithstanding any provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer \$460,800 of the funds received pursuant to the multistate settlement agreement in *The Matter of State of Maine v. Boston Scientific Corporation* to the Department of Corrections, Correctional Medical Services Fund, Other Special Revenue Funds. Funds transferred pursuant to this section must be used solely for activities identified in the court decree and approved by the Attorney General.

**Sec. 3. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**CORRECTIONS, DEPARTMENT OF  
Correctional Medical Services Fund 0286**

Initiative: Provides a one-time allocation for comprehensive substance use disorder treatment in all state correctional facilities. Funding for this allocation is settlement funds transferred from the Department of the Attorney General.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$460,800	\$0

OTHER SPECIAL REVENUE	\$460,800	\$0
FUNDS TOTAL		

See title page for effective date.

**CHAPTER 114  
H.P. 517 - L.D. 705**

**Resolve, To Improve Air Quality and Ventilation in Maine's Public Schools**

**Sec. 1. Department of Education to amend rules. Resolved:** That the Department of Education shall amend its rules Chapter 60: New School Siting Approval, Chapter 61: State Board of Education Rules for Major Capital School Construction Projects and Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units to require standards governing air quality and ventilation for all public schools, including schools with mechanical and nonmechanical ventilation systems. These standards must apply to all public schools and must apply no earlier than July 1, 2022 and no later than July 1, 2026. The rules adopted pursuant to this section are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, and the department shall submit the provisionally adopted rules for final adoption to the Joint Standing Committee on Education and Cultural Affairs by January 4, 2022.

See title page for effective date.

**CHAPTER 115  
H.P. 538 - L.D. 727**

**Resolve, To Eliminate the Asset Test for the Supplemental Nutrition Assistance Program**

**Sec. 1. Department of Health and Human Services to eliminate asset test. Resolved:** That, no later than January 1, 2022, the Department of Health and Human Services shall amend its rule 10-144, Chapter 301: Food Supplement Program, to eliminate asset tests for all applicants to and recipients of assistance under the food supplement program, also known as the Supplemental Nutrition Assistance Program. 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**