

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

any interest in the land to a holder does not create a lot or lots for purposes of this definition if:

(1) The transferred interest, as expressed by conservation easement, binding agreement, declaration of trust or otherwise, is to be permanently held for one or more of the following conservation purposes:

(a) Retaining or protecting the natural, scenic or open space values of the land;

(b) Ensuring the availability of the land for agricultural, forest, recreational or open space use;

(c) Protecting natural resources; or

(d) Maintaining or enhancing air quality or water quality; and

(2) The transferred interest is not subsequently further divided or transferred except to another holder.

As used in this paragraph, "holder" has the same meaning as in Title 33, section 476, subsection 2.

See title page for effective date.

CHAPTER 80

H.P. 414 - L.D. 637

An Act to Promote the Use of Free Annual Wellness Visits by Ensuring Proper Disclosure

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

Sec. 1. 22 MRSA §1718-H is enacted to read:

§1718-H. Disclosure related to annual wellness visit

A health care entity, as defined in section 1718-B, subsection 1, paragraph B, at the time of an annual wellness visit by an insured patient, shall disclose to the patient that not all services provided during the course of an annual wellness visit may be covered as preventive services without any out-of-pocket costs to the patient by the patient's health plan, as defined in Title 24-A, section 4301-A, subsection 7, and that, if the patient has questions about the scope of covered services under the patient's health plan, the patient should contact the patient's health insurance carrier.

Sec. 2. 24-A MRSA §4303, sub-§15, as enacted by PL 2011, c. 364, §26, is amended to read:

15. Uniform explanation of coverage documents and standardized definitions. A carrier offering a health plan in this State shall:

A. Provide to applicants, enrollees and policyholders or certificate holders a summary of benefits and an explanation of coverage that accurately describe the benefits and coverage under the applicable plan or coverage. A summary of benefits and an explanation of coverage must conform with the requirements of the federal Affordable Care Act; ~~and~~

B. Use standard definitions of insurance-related and medical-related terms in connection with health insurance coverage as required by the federal Affordable Care Act; and

C. Provide notice to enrollees and policyholders or certificate holders that preventive services are covered without cost sharing as provided in section 4320-A, subsection 1, but services related to a specific health concern, condition or injury may be separately billed as an office visit and may be subject to cost-sharing requirements as provided in the health plan.

Sec. 3. Application. That section of this Act that amends the Maine Revised Statutes, Title 24-A, section 4303, subsection 15 applies 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 policies, contracts and certificates are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

CHAPTER 81

H.P. 506 - L.D. 817

An Act to Allow the Crew Member of a Holder of an Elver Fishing License to Empty an Elver Fyke Net

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

Whereas, fishing for or taking elvers within the waters of the State may occur only between March 22nd and June 7th, or until Maine's elver quota, as established by the Atlantic States Marine Fisheries Commission, has been met, whichever is earlier; and

Whereas, the elvers taken during the 2022 fishing season were worth nearly \$20,000,000 at the docks; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order for it to be in effect for the 2023 fishing season; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §6505-A, sub-§1-A, as enacted by PL 2013, c. 468, §24, is amended to read:

1-A. Licensed activity. The holder of an elver fishing license or elver fishing license with crew may fish for, take or possess elvers. The holder of an elver fishing license or elver fishing license with crew may transport and sell within state limits elvers that the license holder has taken. The holder of an elver fishing license with crew is liable for the licensed activities under this subsection of an unlicensed crew member assisting that license holder pursuant to subsection 1-B. Only the The license holder to whom a tag is issued or the unlicensed crew member may empty an elver fyke net.

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

Effective May 15, 2023.

CHAPTER 82

H.P. 15 - L.D. 11

**An Act to Strengthen
Temporary Protections for
Children Living in Dwellings
with Identified Lead Hazards**

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

Sec. 1. 22 MRSA §1321, sub-§3-A is enacted to read:

3-A. Notice to owner; interim controls. The department may order the owner to implement lead exposure reduction actions or interim controls as determined by the department with reasonable notice until the owner is able to remove, replace or securely and permanently cover lead-based substances. In order to determine the effectiveness of the actions taken or interim controls, the department may inspect the dwelling, premises, residential child-occupied facility, child care facility, premises of the family child care provider or nursery school;

Sec. 2. 22 MRSA §1322, 2nd ¶, as amended by PL 2003, c. 421, §9, is further amended to read:

Until the owner brings any residential dwelling or premises into compliance with this Act while a tenant is occupying a dwelling unit, the owner shall move the tenant to a substitute dwelling unit upon reasonable notice. The department may, on a case-by-case basis,

waive this requirement if the department determines that the implementation of actions to reduce lead exposure or interim controls sufficiently protects the residents of the unit until full abatement is achieved. Pursuant to section 1321, subsection 3-A, the department may order the owner to implement lead exposure reduction actions or interim controls as determined by the department with reasonable notice. The owner shall pay reasonable moving expenses and any use and occupancy charges for a substitute dwelling unit that exceed the rent for the vacated dwelling unit for which the tenant remains responsible. "Substitute dwelling unit" means a dwelling unit of like or similar accommodation and in like or similar location that is lead-safe. If the tenant fails to accept the substitute dwelling unit selected by the owner while the owner is required to bring the vacated dwelling unit into compliance with this Act or the tenant fails to remain current in rent pursuant to the lease or tenancy at will under Title 14, section 6002, including the statutory period of right to cure, the owner is not obligated beyond 10 days after completion of remediation to reimburse the tenant for any expense or inconvenience other than moving expenses and any use and occupancy charges for the substitute dwelling unit selected by the owner that exceed the rent for the vacated dwelling unit.

See title page for effective date.

CHAPTER 83

H.P. 52 - L.D. 82

**An Act to Improve Access to
Children's Behavioral Health
Services**

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

Sec. 1. 34-B MRSA §1208, sub-§8, as enacted by PL 2003, c. 673, Pt. SSS, §2, is repealed.

See title page for effective date.

CHAPTER 84

H.P. 64 - L.D. 96

**An Act to Ensure Release of
Relevant Background
Investigation Material to
Current Employers of Law
Enforcement and Corrections
Officers**

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

Sec. 1. 25 MRSA §2805-B, sub-§4, ¶B, as enacted by PL 2021, c. 256, §1, is amended to read: