

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

the employee is working in a veterinary facility in which the employee has an ownership interest.

See title page for effective date.

**CHAPTER 119
S.P. 280 - L.D. 722**

An Act to Expedite the Health Insurance Referral Process for Specialists by Allowing Referrals During Urgent Care Visits

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

Sec. 1. 24-A MRSA §4301-A, sub-§2-A is enacted to read:

2-A. Behavioral health care service. "Behavioral health care service" means a health care service or treatment to address mental health and substance use conditions.

Sec. 2. 24-A MRSA §4301-A, sub-§21 is enacted to read:

21. Urgent care. "Urgent care" means health care or treatment provided in response to exigent circumstances.

Sec. 3. 24-A MRSA §4303, sub-§22-A is enacted to read:

22-A. Denial of referral during urgent care visit prohibited. A carrier may not deny payment for any behavioral health care service or physical therapy service covered under an enrollee's health plan based solely on the basis that the enrollee's referral was not made by the enrollee's primary care provider as long as the enrollee's referral is made by a provider during an urgent care visit and the provider notifies the enrollee's primary care provider of the referral. A carrier may not apply a deductible, coinsurance or copayment greater than the applicable deductible, coinsurance or copayment that would apply to the same health care service if the service was referred by the enrollee's primary care provider. A carrier may require a provider of urgent care that is making a referral to provide additional information necessary to implement this subsection.

Sec. 4. 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 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 120
S.P. 341 - L.D. 782**

An Act to Support Statewide Economic Opportunities Through Strategic Investments of Property and Funds, Including Emergency Relief Funds

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

Sec. 1. 12 MRSA §5012, 4th ¶, as amended by PL 1987, c. 308, §7 and PL 2011, c. 657, Pt. W, §6, is further amended to read:

The commissioner may, subject to the approval of the Governor, apply for and accept on behalf of the State any funds, other personal or real property, including emergency relief funds, grants, bequests, gifts or contributions from any person, corporation or government, including the Government of the United States for the purpose of economic opportunity, business growth and other strategic investments. Such funds shall must be received by the Treasurer of State on behalf of the State and deposited in an appropriate new or existing account in the department. All such funds may, subject to the rules promulgated by the Governor, be expended by the Commissioner of Agriculture, Conservation and Forestry. The commissioner shall adopt rules to implement and administer grant or other fund disbursement programs using funds in the account. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commissioner may adjudicate appeals of grant or other disbursement decisions made under the programs. Notwithstanding any provision of law to the contrary, an adjudicatory hearing on an appeal must be held in accordance with the Maine Administrative Procedure Act.

See title page for effective date.

**CHAPTER 121
S.P. 394 - L.D. 923**

An Act to Improve Disclosure of Present and Future Costs to Maine Electricity Consumers

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

Sec. 1. 35-A MRSA §3110 is enacted to read:
§3110. Rate disclosures

1. Current transmission and distribution utility rates. On January 1st of each year, the commission shall publish on the commission's publicly accessible

website residential transmission and distribution utility rates and standard-offer supply rates applicable for the period of January 1st to December 31st of that year. The commission shall update the published rates within 30 days of any change in those rates.

Sec. 2. Deferred costs. The Public Utilities Commission shall determine the method necessary to convey to residential ratepayers of a transmission and distribution utility the anticipated effects of all deferred costs approved by the commission on residential transmission and distribution utility rates. The commission shall publish this information on its publicly accessible website by November 1, 2023. By January 1, 2024, the commission shall provide this information along with any recommended legislation to the Joint Standing Committee on Energy, Utilities and Technology, which may report out legislation to the Second Regular Session of the 131st Legislature.

See title page for effective date.

**CHAPTER 122
S.P. 399 - L.D. 980**

**An Act Regarding Passing
Stationary Motor Vehicles on
Public Ways**

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

Sec. 1. 29-A MRSA §2070, sub-§8 is enacted to read:

8. Passing stationary vehicles. The operator of a vehicle passing a stationary vehicle that a reasonable person would conclude is disabled or that is using flashing lights to warn other operators of the vehicle's presence, with due regard to safety and traffic conditions, shall:

A. Pass in a lane not adjacent to that of the stationary vehicle, if possible; or

B. If passing in a nonadjacent lane is impossible or unsafe, pass the stationary vehicle at a careful and prudent speed reasonable for passing the vehicle safely.

Violation of this subsection is a traffic infraction for which a fine of not less than \$275 must be adjudged.

See title page for effective date.

**CHAPTER 123
H.P. 767 - L.D. 1207**

**An Act to Implement the
Recommendations of the Right
To Know Advisory Committee
Concerning Public Records
Exceptions**

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

Sec. 1. 24 MRSA §2302-A, sub-§3, as enacted by PL 1987, c. 168, §1, is amended to read:

3. Confidentiality. Any information provided pursuant to this section ~~shall~~ may not identify the names of patients. If patient names are identified in information provided pursuant to this section, the patient names are confidential.

Sec. 2. 24 MRSA §2510, sub-§1, as amended by PL 2011, c. 524, §§9 and 10, is further amended to read:

1. Confidentiality; exceptions. Any reports, information or records received and maintained by the board pursuant to this chapter, including any material received or developed by the board during an investigation ~~shall be~~ is confidential, except for information and data that is developed or maintained by the board from reports or records received and maintained pursuant to this chapter or by the board during an investigation and that does not identify or permit identification of any patient or physician; provided that the board may disclose any confidential information only:

A. In a disciplinary hearing before the board or in any subsequent trial or appeal of a board action or order relating to such disciplinary hearing;

B. To governmental licensing or disciplinary authorities of any jurisdiction or to any health care providers or health care entities located within or outside this State that are concerned with granting, limiting or denying a physician's privileges, but only if the board includes along with the transfer an indication as to whether or not the information has been substantiated by the board;

C. As required by section 2509, subsection 5;

D. Pursuant to an order of a court of competent jurisdiction;

E. To qualified personnel for bona fide research or educational purposes, if personally identifiable information relating to any patient or physician is first deleted; or

F. To other state or federal agencies when the information contains evidence of possible violations of laws enforced by those agencies.