

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

2-H. Honoring of assignments. The following provisions apply to claims for payment submitted by the department or a health care provider.

A. Whenever the department submits claims to a health insurer, as included in 42 United States Code, Section 1396a(a)(25)(I), including self-insured plans, group health plans as defined in the federal Employee Retirement Income Security Act of 1974, Section 607(1), service benefit plans, managed care organizations, pharmacy benefit managers or other parties that are, by statute, contract or agreement, legally responsible for payment of a claim for a health care item or service, on behalf of a current or former recipient under the MaineCare program for whom an assignment of rights has been received, or whose rights have been assigned by the operation of law, the health insurer doing business in the State or providing coverage to a resident of this State must respond to the department within 60 days and:

- (1) Provide information, with respect to individuals who are eligible for or are provided medical assistance under the MaineCare program, upon the request of the State, to determine during what period the individual or the individual's spouse or dependents may be or may have been covered by a health insurer and the nature of the coverage that is or was provided by the health insurer, including the name, address and identifying number of the plan, in a manner prescribed by the United States Secretary of Health and Human Services;
- (2) Accept the State's right of recovery and the assignment to the State of any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the state plan and, in the case of a responsible 3rd party that requires prior authorization for an item or service furnished to an individual eligible to receive medical assistance under the MaineCare program, accept authorization provided by the State that the item or service is covered under the MaineCare program for that individual, as if the authorization were the prior authorization made by the 3rd party for the item or service;
- (3) Respond to any inquiry by the State regarding a claim for payment for any health care item or service that is submitted not later than 3 years after the date of the provision of such health care item or service; and
- (4) Agree not to deny a claim submitted by the State solely on the basis of the date of submission of the claim, the type or format of the claim form ~~or~~, a failure to present proper documentation at the point-of-sale that is the basis

of the claim or, in the case of a responsible 3rd party, a failure to obtain a prior authorization for the item or service for which the claim is being submitted, if:

- (a) The claim is submitted by the State within the 3-year period beginning on the date on which the item or service was furnished; and
- (b) Any action by the State to enforce its rights with respect to such claim is commenced within 6 years of the State's submission of such claim.

C. A payment made as part of an assignment by a 3rd party to the MaineCare program or a contractor acting on behalf of the MaineCare program is considered final 2 years after the date of the payment and when final the payment is not subject to adjustment.

See title page for effective date.

CHAPTER 163

S.P. 290 - L.D. 732

An Act to Prohibit Off-trail Operation of a Snowmobile in an Area Closed to Off-trail Operation

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

Sec. 1. 12 MRSA §13106-A, sub-§27 is enacted to read:

27. Operating snowmobile in posted area. A person may not operate a snowmobile off a snowmobile trail identified by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands as having been funded by the Snowmobile Trail Fund pursuant to section 1893, subsection 3 if the trail is posted as being closed to off-trail snowmobile operation and the operator has not obtained the permission of the applicable landowner or landowner's representative. For purposes of this subsection, "posted" means containing signage that is reasonably likely to come to the attention of a person operating a snowmobile that indicates that off-trail snowmobiling is prohibited and that is placed by the landowner, the landowner's representative, a local snowmobile club trail master serving as the landowner's representative, a local snowmobile club representative or an employee of the Department of Inland Fisheries and Wildlife or the Department of Agriculture, Conservation and Forestry.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

See title page for effective date.

CHAPTER 164

S.P. 334 - L.D. 775

An Act to Require and Standardize Labeling of Water Treatment Equipment

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

Sec. 1. 22 MRSA c. 601, sub-c. 9 is enacted to read:

SUBCHAPTER 9

WATER TREATMENT EQUIPMENT

§2660-AA. Requirements for water treatment equipment

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

A. "Water treatment company" means a company that installs or services water treatment equipment.

B. "Water treatment equipment" means equipment located inside a private residence and designed to alter the condition of water for human consumption, including by means of filtration, purification, softening and reverse osmosis.

2. Labeling requirements for installation. An employee of a water treatment company shall affix to water treatment equipment installed by the water treatment company on or after July 1, 2024 a label that contains the following information:

- A. The name of the water treatment company;
- B. The full name of the employee that installed the water treatment equipment;
- C. The date of installation of the water treatment equipment;
- D. A plumbing permit number associated with the installation of the water treatment equipment, if applicable;
- E. The condition the water treatment equipment is intended to treat;
- F. The manufacturer's recommended service interval for the water treatment equipment;

G. A service record on which an employee performing service on the equipment can enter the employee's initials and date of service; and

H. Any applicable safety precautions or warnings.

3. Labeling requirements for servicing. If an employee of a water treatment company services a piece of water treatment equipment on or after July 1, 2024 with an affixed service record as described by subsection 2, paragraph G, the employee shall enter the employee's initials and date of service. If the employee services a piece of water treatment equipment that does not have a label containing the information required in subsection 2 or that has a label with incomplete information, the employee shall affix a label containing the information required by subsection 2, to the extent the employee can ascertain the information.

4. Unfair trade practice. A water treatment company that fails to comply with this section commits an unfair and deceptive act that is a violation of the Maine Unfair Trade Practices Act.

See title page for effective date.

CHAPTER 165

S.P. 348 - L.D. 789

An Act Regarding Dental Licensure for Charitable Care

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

Sec. 1. 32 MRSA §18347-A, as enacted by PL 2023, c. 17, Pt. P, §26, is amended to read:

§18347-A. Temporary license; applicants authorized to work in another jurisdiction

Notwithstanding any provision of law to the contrary, the board may issue a temporary license for a period of 6 months and waive all licensing requirements, except for fees unless otherwise provided in this section, to any applicant upon a showing that the applicant holds a valid license in that profession issued by another state. The board may waive the fee for a temporary license if the purpose of the temporary license is to provide free dental care in conjunction with a charitable nonprofit organization.

See title page for effective date.