

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

Sec. 16. 12 MRSA §13152, sub-§2, as repealed and replaced by PL 2005, c. 397, Pt. E, §17, is amended by amending the first blocked paragraph to read:

~~A person under 16 years of age must attend the training program with that person's parent or guardian. The training program must include instruction on the safe operation of ATVs, the laws pertaining to ATVs, the effect of ATVs on the environment and ways to minimize that effect, courtesy to landowners and other recreationists and landowners and other materials as determined by the department.~~

Sec. 17. Effective date. That section of this Act that repeals and replaces the Maine Revised Statutes, Title 12, section 11109-A, subsection 2-A and that section of this Act that amends Title 12, section 11109-A, subsection 3 take effect January 1, 2024.

See title page for effective date, unless otherwise indicated.

**CHAPTER 229
S.P. 126 - L.D. 267**

**An Act to Require Private
Insurance Coverage for Donor
Breast Milk**

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

Sec. 1. 24-A MRSA §4320-V is enacted to read:

§4320-V. Coverage for donor breast milk

1. Required coverage. A carrier offering a health plan in this State shall provide coverage for pasteurized donor breast milk provided to an infant eligible for coverage under the health plan if a physician or physician assistant licensed under Title 32, chapter 36 or 48 or an advanced practice registered nurse licensed under Title 32, chapter 31 signs an order stating that:

A. The infant is medically or physically unable to receive maternal breast milk or participate in breastfeeding or the infant's parent is medically or physically unable to produce maternal breast milk in quantities sufficient for the infant; and

B. The infant:

(1) Was born at a birth weight of less than 1,500 grams;

(2) Has a gastrointestinal anomaly or metabolic or digestive disorder or is recovering from intestinal surgery and the infant's digestive needs require additional support;

(3) Is not appropriately gaining weight or growing;

(4) Has formula intolerance and is experiencing weight loss or difficulty feeding;

(5) Has low blood sugar;

(6) Has congenital heart disease;

(7) Has received or will receive an organ transplant; or

(8) Has another serious medical condition for which donor breast milk is medically necessary.

Sec. 2. 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.

Sec. 3. Exemption from mandate review. Notwithstanding the Maine Revised Statutes, Title 24-A, section 2752, this Act is enacted without review and evaluation by the Department of Professional and Financial Regulation, Bureau of Insurance.

See title page for effective date.

**CHAPTER 230
S.P. 226 - L.D. 509**

**An Act to Amend the Net
Energy Billing Laws to Direct
Expiring Net Energy Billing
Credits to Provide Low-income
Assistance**

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

Sec. 1. 35-A MRSA §3209-A, sub-§8, as enacted by PL 2021, c. 370, §1 and reallocated by RR 2021, c. 1, Pt. A, §37 and PL 2021, c. 659, §18 and c. 705, §13, is amended to read:

8. Unused kilowatt-hour credits; rules. To the extent rules adopted under this section provide for the periodic expiration of unused kilowatt-hour credits accumulated by a customer participating in a net energy billing arrangement, the commission shall require by rule that, ~~no earlier than April 1, 2022~~, each transmission and distribution utility with a net energy billing arrangement ~~that has implemented or elected to implement an arrearage management program pursuant to section 3214, subsection 2-A shall account for and, on or before January 1st of each year, apply remit the value of all unused kilowatt-hour credits that were accumulated and that expired during the prior calendar year to the commission for the benefit of participants in the utility's arrearage management program individuals receiving low-income assistance in accordance with section~~

3214, subsection 2. The rules adopted by the commission pursuant to this subsection must:

A. Establish the manner by which a transmission and distribution utility must account for unused kilowatt-hour credits that were accumulated by all customers of the utility with net energy billing arrangements during the prior calendar year and that expired during the prior calendar year; and

B. Establish the manner by which a transmission and distribution utility must ~~apply such unused kilowatt-hour credits for the benefit of participants in the utility's arrearage management program, which must be designed to result in each such participant receiving as close to an equal amount of those credits except when the credited amount would exceed the amount of a participant's arrearage~~ remit the value of the unused and expired kilowatt-hour credits.

Notwithstanding any provision of this section to the contrary, rules adopted by the commission pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 35-A MRSA §3214, sub-§2, as enacted by PL 1997, c. 316, §3, is amended to read:

2. Low-income assistance. In order to continue existing levels of financial assistance for low-income households and to meet future increases in need caused by economic exigencies, the commission shall:

A. Receive funds collected by all transmission and distribution utilities in the State at a rate set by the commission in periodic rate cases; ~~and~~

B. Set initial funding for programs based on an assessment of aggregate customer need in periodic rate cases. The funding formula may not result in assistance being counted as income or as a resource in other means-tested assistance programs for low-income households. To the extent possible, assistance must be provided in a manner most likely to prevent the loss of other federal assistance; ~~and~~

C. Receive funds remitted by transmission and distribution utilities with net energy billing arrangements for expired kilowatt-hour credits in accordance with section 3209-A, subsection 8.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

PUC - Unused NEB Credits for Low-Income Assistance N452

Initiative: Provides allocation to establish a new program to use net energy billing credits for low-income assistance.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
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All Other	\$500	\$500
OTHER SPECIAL REVENUE	\$500	\$500
FUNDS TOTAL		

See title page for effective date.

CHAPTER 231

H.P. 605 - L.D. 958

An Act to Expand Protections to Maine's Loons from Lead Poisoning by Prohibiting the Sale and Use of Certain Painted Lead Jigs

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

Sec. 1. 12 MRSA §12663-B, as enacted by PL 2013, c. 372, §2, is amended to read:

§12663-B. Unlawful sale of lead sinkers ~~and~~, bare lead jigs and painted lead jigs

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

A. "Bare lead jig" means an unpainted lead jig that contains lead and that:

- (1) Weighs one ounce or less; or
- (2) Measures 2 1/2 inches or less in length.

B. "Lead sinker" means a device that contains lead that is designed to be attached to a fishing line and intended to sink the line and that:

- (1) Weighs one ounce or less; or
- (2) Measures 2 1/2 inches or less in length.

"Lead sinker" does not include artificial lures, weighted line, weighted flies or jig heads.

C. "Painted lead jig" means a painted lead jig that contains lead and that:

- (1) Weighs one ounce or less; or
- (2) Measures 2 1/2 inches or less in length.

2. Sale of lead sinker ~~or~~, bare lead jig or painted lead jig. This subsection governs the sale of lead sinkers ~~and~~, bare lead jigs and painted lead jigs.

A. A person may not:

- (1) Sell a lead sinker; ~~or~~
- (2) Beginning September 1, 2016, sell a bare lead jig; ~~or~~
- (3) Beginning September 1, 2024, sell a painted lead jig.