

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

amended by c. 657, Pt. W, §5, is further amended by enacting at the end a new last blocked paragraph to read:

The Department of Transportation shall adopt rules, to the extent possible, to ensure that all persons are safe on public ways, including bicyclists, pedestrians, persons of all ages and abilities, transit users and motor vehicle users, and that all persons have safe and efficient access to the transportation system. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 23 MRSA §73, sub-§7, as amended by PL 2021, c. 239, §1, is further amended to read:

7. Priorities, service levels, asset management goals and reporting. The Department of Transportation shall classify the State's public highways as Priority 1 to Priority 5 using factors such as safety metrics, crash data, the federal functional classification system, regional economic significance, heavy haul truck use and relative regional traffic volumes. The department shall also establish customer service levels related to safety, condition and serviceability appropriate to the priority of the highway, resulting in a system that grades each highway as Good, Fair or Poor.

To provide a capital transportation program that is geographically balanced and that addresses urban and rural needs and meets customer expectations and transportation system needs, the department shall include the following goals as part of its asset management and work plan preparation. The goals are to:

A-1. Maintain Priority 1 highways in accordance with the department's federally required transportation asset management plan and the department's customer service measures so that no more than 15% of the highways are rated as Poor;

B-1. Maintain Priority 2 and Priority 3 highways so that no more than 15% of the highways are rated as Poor; and

D. Continue the light capital paving program on a 7-year cycle for Priority 4 highways outside compact areas as defined in section 754.

The department shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters by March 1st of each odd-numbered year quantifying the status of each of the goals. The department shall recommend any remedial actions, including additional funding or revisions to the goals, that the department determines to be necessary or appropriate.

Sec. 3. 29-A MRSA §2073, sub-§5 is enacted to read:

5. Roadway and intersection safety evaluation. At the request of a municipality, the department shall perform a safety evaluation of an existing roadway or

intersection, using a multidisciplinary team of personnel, that estimates potential road safety issues and identifies opportunities for improvements. The department shall provide a full report of the results of the evaluation to the municipality.

Sec. 4. Report. The Department of Transportation shall evaluate how speed limits are set and develop recommendations for changes to state, county and municipal street design standards, state laws and municipal ordinances to achieve the goal of eliminating all traffic fatalities and serious injuries by 2035. By January 3, 2024, the department shall report its findings and recommendations, including any suggested legislation, to the Joint Standing Committee on Transportation. The committee may report out a bill related to the report to the Second Regular Session of the 131st Legislature.

Sec. 5. Rulemaking. In its initial adopting of rules to implement the Maine Revised Statutes, Title 23, section 73, subsection 4, the Department of Transportation shall incorporate, as applicable, the department's Complete Streets Policy completed in 2014 and revised in June 2019 and all policy documents and standard practices related to the following community-based initiatives: the Municipal Partnership Initiative, the Village Partnership Initiative, the Business Partnership Initiative and the Planning Partnership Initiative.

See title page for effective date.

CHAPTER 238

H.P. 1132 - L.D. 1768

**An Act to Clarify the
MaineCare Rate**

Determination Requirements

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

Sec. 1. 22 MRSA §3173-J, sub-§2, ¶C, as enacted by PL 2021, c. 639, §2, is amended to read:

~~C. Conduct~~ No less frequently than once every 5 years, conduct a rate determination process for any contemplated change in reimbursement amount or model for a each MaineCare section of policy or for a specific covered service, in accordance with the following procedures:

(1) Provide public notice of initiation of the rate determination for a MaineCare section of policy or for a specific covered service;

(2) Consider and, when appropriate, adopt alternative payment models that use financial incentives to promote or leverage greater value for the MaineCare program. This consideration must include a review of research on any available national models or best practices regarding payment models for the service;

(3) Determine whether a Medicare rate is available for the service and whether the Medicare rate represents the most appropriate benchmark and payment model;

(4) In the absence of a Medicare rate, determine whether a rate from a non-Medicare payer source, including, but not limited to, commercial health care rates in the State or other states' Medicaid rates, is available for the service and whether this alternate payer rate represents the most appropriate benchmark and payment model. The department shall determine an appropriate percentage of the benchmark rate for the service, taking into consideration the findings of the benchmarking report conducted in accordance with paragraph B;

(5) Conduct a rate study for every service for which a benchmark rate or payment model in accordance with subparagraph (3) or (4) either is unavailable or is inconsistent with the goals of efficiency, economy and quality of care to support member access. Each rate study must include the following:

(a) A review of data, which must include:

(i) An assessment as to whether the delivery of service and associated requirements have changed since the previous rate study, if available, to determine if the rate methodology needs to be revised;

(ii) The collection of data on provider costs and cost-related aspects of the delivery of service and associated requirements through existing cost reports, provider surveys and other available data sources; and

(iii) Research on any available national models or best practices regarding cost-related aspects of the delivery of service and associated requirements; and

(b) Developing or updating rates by considering the following:

(i) The appropriateness of adoption of a change in payment model consistent with the purposes of this section;

(ii) The current rate assumptions and their appropriateness given current provider costs, best practices or changes in the delivery of service and associated requirements;

(iii) The findings for related services of any comprehensive benchmarking report under paragraph B; and

(iv) The degree to which services are dependent on MaineCare reimbursement, including, but not limited to, cost factors, such as average wage, that may be reflective of restraints of MaineCare reimbursement versus costs of the broader marketplace; and

(6) Upon completion of the rate determination process, present the department's rationale and recommendations for rate methodology, resulting base rate amount and payment model for public comment prior to the rule-making process; convene a meeting of interested providers and other interested members of the public to discuss the recommendations and hear comments; and respond in writing to comments with an explanation of whether and how feedback was incorporated into the final rate determination; and

See title page for effective date.

CHAPTER 239

H.P. 1204 - L.D. 1879

**An Act to Align Laws
Governing Crossbow Hunting
with Those Governing Archery
Hunting**

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

Sec. 1. 12 MRSA §1801, sub-§1-A is enacted to read:

1-A. Archery equipment. "Archery equipment" has the same meaning as in section 10001, subsection 3-B.

Sec. 2. 12 MRSA §1806, sub-§4, ¶F, as enacted by PL 2001, c. 604, §6, is amended to read:

F. Discharges any firearm, ~~bow and arrow~~ archery equipment, weapon powered by carbon dioxide cartridges or other weapon within 300 feet of any picnic area, designated camping area, parking area, building, shelter or boat launching site or in violation of park rules or in areas closed to hunting by rule, law or ordinance;

Sec. 3. 12 MRSA §10001, sub-§3-B is enacted to read:

3-B. Archery equipment. "Archery equipment" means a bow or crossbow.