

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 specialty license plate or recognition license plate signature gathering process, bring forth enabling legislation or otherwise initiate any new designs, redesigns or additional specialty license plates or recognition license plates, other than those already approved and enacted, until June 30, 2025.

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

Effective June 23, 2023.

CHAPTER 272
S.P. 37 - L.D. 45

An Act to Prevent Retaliatory Evictions

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

Sec. 1. 14 MRSA §6001, sub-§3, ¶A, as amended by PL 2013, c. 324, §1, is further amended to read:

A. Asserted the tenant's rights pursuant to section 6015, 6016, 6021 or ~~section~~ 6030-D;

Sec. 2. 14 MRSA §6001, sub-§3, as amended by PL 2019, c. 351, §2, is further amended by amending the 2nd blocked paragraph to read:

~~No~~ A writ of possession may not issue in the absence of rebuttal of the presumption of retaliation.

See title page for effective date.

CHAPTER 273
S.P. 121 - L.D. 255

An Act Regarding Campaign Finance Reports

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

Sec. 1. 21-A MRSA §1017, sub-§3-A, ¶D-1, as amended by PL 2009, c. 190, Pt. A, §5, is further amended to read:

D-1. Reports must be filed no later than 11:59 p.m. on the 42nd day before the date on which ~~a general~~ an election is held and must be complete as of the 49th day before that date, except that this report is not required for candidates for municipal office, unless required by the municipality. Certified candidates and participating candidates, as defined under section 1122, subsections 1 and 6, respectively,

are not required to file a report on the 42nd day before a primary election pursuant to this section.

See title page for effective date.

CHAPTER 274
H.P. 885 - L.D. 1371

An Act to Amend Limits on the Direct Shipment of Wine

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

Sec. 1. 28-A MRSA §1403-A, sub-§6, as enacted by PL 2009, c. 373, §1, is repealed.

Sec. 2. 28-A MRSA §1403-A, sub-§6-A is enacted to read:

6-A. Shipment limit. A direct shipper may not ship a container of wine of less than 250 milliliters and may ship no more than 9,000 milliliters per shipment no more than 12 times to any one recipient address in a calendar year.

See title page for effective date.

CHAPTER 275
S.P. 548 - L.D. 1383

An Act to Regulate Insurance Carrier Prior Authorization Requirements for Rehabilitative and Habilitative Services

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

Sec. 1. 24-A MRSA §4304, sub-§1, as amended by PL 2007, c. 199, Pt. B, §13, is further amended to read:

1. Requirements for medical review or utilization review practices. A carrier ~~must~~ shall appoint a medical director who is responsible for reviewing and approving the carrier's policies governing the clinical aspects of coverage determinations by any health plan that it offers or renews. A carrier's medical review or utilization review practices must be governed by the standard of medically necessary health care as defined in this chapter. A carrier shall provide clear written policies and procedures to providers and enrollees on how to obtain a prior authorization.

Sec. 2. 24-A MRSA §4304-A is enacted to read:

§4304-A. Prior authorization for rehabilitative or habilitative services

1. Prior authorization for new episode of care prohibited for 12 visits. A carrier may not require prior authorization for rehabilitative or habilitative services, including, but not limited to, physical therapy services, occupational therapy services or chiropractic services, for the first 12 visits of each new episode of care. For purposes of this subsection, "new episode of care" means treatment for a new condition or treatment for a recurring condition for which an enrollee has not been treated within the previous 90 days.

2. Intent. This section does not limit the right of a carrier to deny a claim when an appropriate prospective or retrospective review concludes that the health care services or treatment rendered were not medically necessary.

See title page for effective date.

CHAPTER 276

S.P. 562 - L.D. 1395

**An Act to Increase
Transparency Regarding
Certain Drug Pricing
Programs**

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

Sec. 1. 22 MRSA §1728 is enacted to read:

§1728. Prescription drug transparency report

1. Hospital defined. For purposes of this section, "hospital" means:

A. An acute care institution licensed and operating in this State as a hospital under section 1811 or the parent of such an institution; or

B. A hospital subsidiary or hospital affiliate in the State that provides medical services or medically related diagnostic and laboratory services or engages in ancillary activities supporting those services.

2. Report on participation in federal 340B drug program. Beginning January 1, 2024, each hospital participating in the federal drug pricing program under Section 340B of the federal Public Health Service Act, 42 United States Code, Section 256b, referred to in this section as "the 340B program," shall provide an annual report to the Maine Health Data Organization. The Maine Health Data Organization shall post the report on its publicly accessible website. Each hospital shall report in a standardized format as agreed upon by the Maine Health Data Organization and the hospital, and include, at a minimum, the following information in the report consistent with the annual reporting of hospitals

voluntarily participating in the good stewardship program of the American Hospital Association or its successor organization:

A. A description of how the hospital uses savings from participation in the 340B program to benefit its community through programs and services funded in whole or in part by savings from the 340B program, including services that support community access to care that the hospital could not continue without savings from the 340B program;

B. The annual estimated savings from the 340B program to the hospital, comparing the acquisition price of drugs under the 340B program to group purchasing organization pricing. If group purchasing organization pricing is not available for a drug under the 340B program, the acquisition price for that drug must be compared to a price from another acceptable pricing source;

C. A comparison of the hospital's estimated savings under the 340B program to the hospital's total drug expenditures, including examples of the hospital's top drugs purchased through the 340B program; and

D. A description of the hospital's internal review and oversight of the 340B program, which must meet the federal Department of Health and Human Services, Health Resources and Services Administration's program rules and guidance for compliance.

3. Reporting. The Maine Health Data Organization shall produce and post on its publicly accessible website a report that includes a summary of the aggregate information received from hospitals required to report under subsection 2. The Maine Health Data Organization shall submit the report required by this subsection to the Office of Affordable Health Care, as established in Title 5, section 3122, the Maine Prescription Drug Affordability Board, as established in Title 5, section 12004-G, subsection 14-I, and the joint standing committee of the Legislature having jurisdiction over health data reporting and prescription drug matters.

See title page for effective date.

CHAPTER 277

H.P. 967 - L.D. 1512

**An Act to Require the
Consideration of Restitution to
Support a Child Whose Parent
Is Killed During the
Commission of a Crime**

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