

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

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:

Sec. 1. 17-A MRSA §2002, sub-§3, ¶C, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

C. "Dependent's economic loss" means loss after a decedent's death of contributions of things of economic value to the decedent's dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, ~~less expenses of the dependents avoided by reason of decedent's death.~~

Sec. 2. 17-A MRSA §2002, sub-§3, ¶D, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

D. "Dependent's replacement loss" means loss reasonably incurred by dependents after a decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury, ~~less expenses of the dependents avoided by reason of the decedent's death and not subtracted in calculating dependent's economic loss.~~

Sec. 3. 17-A MRSA §2003, sub-§2, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

2. Reasons for not imposing restitution. In any case where the court determines that restitution should not be imposed in accordance with the criteria set forth in section 2005, the court shall state in open court or in writing the reasons for not imposing restitution, including, in a case involving a defendant convicted of an offense that resulted in the death of a person who is a parent of a minor, by specifically addressing the surviving dependent's economic loss and dependent's replacement loss and the reasons for not imposing restitution to compensate for those losses.

See title page for effective date.

CHAPTER 278

S.P. 620 - L.D. 1556

An Act to Provide a Private Support Organization for the Maine Maritime Academy

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

Sec. 1. 20-A MRSA §10016 is enacted to read:

§10016. Private support organization

1. Designation of private support organization.

The President of the Maine Maritime Academy may designate a nonprofit organization as the private support organization for the Maine Maritime Academy. If des-

ignated by the Maine Maritime Academy, a private support organization must be formed in accordance with this subsection.

A. The designated organization must be incorporated as a nonprofit corporation under the laws of the State, and its sole purpose, as reflected in its bylaws, must be to organize and foster support for the Maine Maritime Academy and its programs.

B. The President of the Maine Maritime Academy, or the president's designee, shall serve as a member of the private support organization's board of directors.

C. The President of the Maine Maritime Academy shall negotiate an annual memorandum of understanding between the Maine Maritime Academy and the private support organization that outlines a plan of work identifying priority projects of mutual benefit and cooperation. The private support organization's board of directors may delegate aspects of the plan of work to the executive director or president of the private support organization.

D. The President of the Maine Maritime Academy may permit the appropriate use of fixed property, equipment and facilities of the Maine Maritime Academy by the private support organization. Such use must be directly in keeping with the purpose of the private support organization as set out in this section and must comply with all appropriate state policies and procedures.

See title page for effective date.

CHAPTER 279

S.P. 644 - L.D. 1627

An Act to Improve Disclosure of Lobbyist Activities

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

Sec. 1. 3 MRSA §313, sub-§1, as enacted by PL 2021, c. 114, §1, is amended to read:

1. Registration. No later than ~~15 business~~ 10 calendar days after lobbying more than 8 hours in a calendar month on behalf of an employer, a lobbyist shall submit a joint registration to the commission for the employer, the lobbyist and any lobbyist associates and pay a registration fee of \$250. The lobbyist shall pay an additional \$125 for each lobbyist associate included in the joint registration.

See title page for effective date.