

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

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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

**CHAPTER 332
H.P. 792 - L.D. 1244**

**An Act to Define Undisputed
Health Insurance Claims**

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

Sec. 1. 24-A MRSA §2436, sub-§2-A, as repealed and replaced by PL 2009, c. 613, §9, is amended to read:

2-A. For a claim submitted by a health care provider or health care facility with respect to a ~~health plan carrier~~ as defined in section 4301-A, subsection 7 ~~3~~, for purposes of this section, "~~undisputed claim~~" means a timely claim for payment of covered health care expenses ~~that is must be~~ submitted to a carrier in conformity with the ~~following~~ requirements for standardized claim forms set forth in section 2753.

~~A. The claim must be submitted on one of the following claims forms:~~

- ~~(1) For a health care facility claim submitted on paper, the standard claim form, using standards approved by a national uniform billing committee;~~
- ~~(2) For a health care provider claim submitted on paper, the standard claim form, using standards approved by a national uniform claim committee; and~~
- ~~(3) For health care facility and health care provider claims submitted electronically, an electronic form using standards approved by an accredited standards committee of the American National Standards Institute.~~

Sec. 2. 24-A MRSA §2436, sub-§2-B, as enacted by PL 2009, c. 613, §10, is amended to read:

2-B. If a claim does not conform to the requirements specified in ~~subsection~~ subsections 2-A and 2-C and payment is denied to a health care provider or health care facility by a carrier, the health care provider or health care facility may not request payment from the insured or beneficiary and shall attempt to rectify the deficiencies with the claim and resubmit the claim to the carrier.

Sec. 3. 24-A MRSA §2436, sub-§2-C is enacted to read:

2-C. For a claim submitted by a health care provider or health care facility with respect to a carrier as defined in section 4301-A, subsection 3, for purposes of this section, "undisputed claim" means a manually or electronically submitted claim from a health care provider or health care facility that:

A. Contains all the required data elements necessary for accurate adjudication without the need for additional information;

B. Is not materially deficient or improper, including lacking substantiating documentation required by the carrier; and

C. Has no particular or unusual circumstances requiring special treatment that prevent payment from being made by the carrier.

See title page for effective date.

**CHAPTER 333
H.P. 915 - L.D. 1419**

**An Act to Inform Fair
Minimum Rates of Wages and
Benefits in Bids for Public
Contracts Using State and
Federal Data**

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

Sec. 1. 26 MRSA §1308, sub-§1, as repealed and replaced by PL 2019, c. 545, §1, is amended to read:

1. Determination of wage and benefits rates. The Bureau of Labor Standards shall investigate and determine the prevailing hourly wage and benefits rate paid in the construction industry in this State. To determine the prevailing hourly wage and benefits rate, the bureau shall:

A. Collect a set of data by conducting a survey of wages and benefits during the 2nd and 3rd week of July of each year; ~~and~~

B. Collect a 2nd set of data through certified payroll submissions on state construction of public works during the 2nd and 3rd week of July of each year from any state agency that contracts for the construction of public works; ~~and~~

C. Collect a 3rd set of data for the job classification under the federal Davis-Bacon Act.

Survey data collected pursuant to paragraph A and certified payroll data collected pursuant to paragraph B must be submitted to the bureau by the 2nd week of October.

The bureau shall use the ~~higher~~ highest wage and benefits information of the ~~2 3~~ data sets collected pursuant to paragraphs A ~~and~~ B ~~and~~ C to determine the prevailing hourly wage and benefits rate. The bureau may also use wage and benefits information received from construction trade associations in its determination of prevailing rates. In determining the prevailing rate, the bureau may ascertain and consider the applicable wage and benefits rates established by collective bargaining

agreements, if any, and those rates that are paid generally in the locality where the construction of the public works is to be performed.

For purposes of this subsection, "benefits" means health and welfare contributions, pension or individual retirement account contributions and vacation and annuity contributions, per diem in lieu of wages and any other form of payment, except for wages, made to or on behalf of the employee. If a defined contribution amount is not established, the most accurate estimated value of contributions must be included.

See title page for effective date.

CHAPTER 334

S.P. 210 - L.D. 456

An Act to Support the Safe Use of Bicycles and Roller Skis

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

Sec. 1. 29-A MRSA §2060, sub-§2, as amended by PL 2013, c. 241, §3, is further amended by amending the 2nd blocked paragraph to read:

An operator intending to turn to the left must yield the right-of-way to traffic and any person operating a bicycle or roller skis approaching from the opposite direction that is so close as to constitute an immediate hazard.

Sec. 2. 29-A MRSA §2060, sub-§2-A is enacted to read:

2-A. Left turns near bicyclists or roller skiers. A person operating a motor vehicle near a person operating a bicycle or roller skis and proceeding in the opposite direction may not make a left turn unless the turn can be made with reasonable safety and without interfering with the safe and legal operation of the bicycle or roller skis.

See title page for effective date.

CHAPTER 335

H.P. 446 - L.D. 677

An Act to Ensure Consumer Protection from Resale Ticket Vendors

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

Sec. 1. 8 MRSA c. 37 is enacted to read:

CHAPTER 37
RESALE OF TICKETS

§1301. Resale of tickets

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

A. "Entertainment event" means a performance, concert, exhibit, game or contest.

B. "Place of entertainment" means a facility used to host an entertainment event including, but not limited to, a theater, stadium, arena, racetrack, museum or amusement park.

C. "Ticket" means documentation of a right to attend an entertainment event.

D. "Ticket reseller" means a business entity whose primary business is the sale or resale of tickets. "Ticket reseller" does not include any of the following:

(1) A nonprofit corporation as defined in Title 13-B, section 102, subsection 9; or

(2) A place of entertainment that engages in the sale or resale of tickets to entertainment events at the place of entertainment.

2. Refunds required. A ticket reseller that engages in the resale of a ticket in the State to a place of entertainment shall, upon the request of the customer, refund the amount paid by the customer for the ticket in any of the following circumstances:

A. The entertainment event is cancelled;

B. The ticket is not accepted by the entity holding the event because it is counterfeit or does not conform with the requirements established by the entity holding the entertainment event;

C. The ticket is cancelled by the entity holding the entertainment event for any reason; or

D. The person who purchased the ticket does not receive the ticket in time to attend the entertainment event.

3. Penalty. Violation of this section is an unfair trade practice as prohibited by Title 5, section 207.

See title page for effective date.

CHAPTER 336

H.P. 448 - L.D. 679

An Act Regarding Animals Abandoned by Tenants

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

Sec. 1. 7 MRSA §3919-B, first ¶, as enacted by PL 2003, c. 405, §9, is amended to read: