

# 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.**

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**Augusta, Maine**  
**2023**

**CHAPTER 347  
H.P. 582 - L.D. 935**

**An Act to Remove Barriers to  
Abortion Coverage in Private  
Insurance**

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

**Sec. 1. 24-A MRSA §4320-M, sub-§2**, as enacted by PL 2019, c. 274, §5, is amended to read:

**2. Limits; ~~deductible; copayment; coinsurance.~~** A health plan that provides coverage for the services required by this section may contain provisions for maximum benefits and ~~coinsurance and~~ reasonable limitations, ~~deductibles~~ and exclusions to the extent that these provisions are not inconsistent with the requirements of this section.

**Sec. 2. 24-A MRSA §4320-M, sub-§2-A** is enacted to read:

**2-A. Cost sharing prohibited.** Notwithstanding subsection 2, a health plan with an effective date on or after January 1, 2024 may not impose any deductible, copayment, coinsurance or other cost-sharing requirement for the costs of abortion services. This subsection does not apply to a health plan offered for use with a health savings account unless the federal Internal Revenue Service determines that the requirements in this subsection are permissible in a high deductible health plan as defined in the federal Internal Revenue Code, Section 223(c)(2).

**Sec. 3. 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 contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

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**CHAPTER 348  
H.P. 630 - L.D. 995**

**An Act to Enhance Access to a  
Second Opinion for Health  
Care Services or Treatment**

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

**Sec. 1. 24-A MRSA §4303, sub-§25** is enacted to read:

**25. Second opinion.** An enrollee in a health plan may not be required to obtain a 2nd opinion from a provider that practices in the same office location as the enrollee's provider. Notwithstanding any provision of

this Title to the contrary, if the 2nd opinion is obtained from an out-of-network provider because a network provider is not available in accordance with section 4303, subsection 1 and Bureau of Insurance Rule Chapter 850: Health Plan Accountability, a carrier may not apply a deductible, coinsurance or copayment for the 2nd opinion in an amount greater than the deductible, coinsurance or copayment that would apply to the same health care service if the service were obtained from a network provider, and the amount of any coinsurance or copayment must be applied to the enrollee's in-network deductible.

**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.

See title page for effective date.

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**CHAPTER 349  
H.P. 718 - L.D. 1132**

**An Act Regarding the  
Provision of Liquor at Taste-  
testing Events Held at an Off-  
premises Retail Licensee's  
Premises**

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

**Sec. 1. 28-A MRSA §460, sub-§2, ¶M-1**, as amended by PL 2019, c. 404, §6, is repealed.

**Sec. 2. 28-A MRSA §460, sub-§2, ¶M-2** is enacted to read:

**M-2. Spirits served at a taste-testing event must be:**

- (1) Provided by the agency liquor store;
- (2) Purchased, at the retail price, by a licensed sales representative participating in the taste-testing event from existing stock available for purchase at the agency liquor store; or
- (3) Provided by a licensed sales representative participating in the taste-testing event or a spirits supplier, including those licensed under section 1355-A, participating in the taste-testing event and purchased in the State at the retail price. A record of the transaction under this subparagraph must be maintained and made available to the bureau. After the taste-testing event is concluded, the licensed sales representative or spirits supplier shall remove all products supplied for the taste-testing event from the licensee's premises.

**Sec. 3. 28-A MRSA §1205, sub-§2, ¶K**, as amended by PL 2019, c. 79, §2, is repealed.

**Sec. 4. 28-A MRSA §1205, sub-§2, ¶K-1** is enacted to read:

K-1. Wine served at a taste-testing event must be:

(1) Purchased by the retail licensee from a wholesale licensee;

(2) Purchased, at the retail price, by a licensed sales representative participating in the taste-testing event from existing stock available for purchase at the retail licensee's premises; or

(3) Provided by a licensed sales representative participating in the taste-testing event or by a manufacturer licensed under section 1355-A participating in the taste-testing event and purchased in the State at the retail price. A record of a transaction under this subparagraph must be maintained and made available to the bureau. After the taste-testing event is concluded, the licensed sales representative or manufacturer shall remove all products supplied for the taste-testing event from the licensee's premises;

**Sec. 5. 28-A MRSA §1207, sub-§2, ¶K**, as amended by PL 2019, c. 79, §3, is repealed.

**Sec. 6. 28-A MRSA §1207, sub-§2, ¶K-1** is enacted to read:

K-1. Malt liquor served at a taste-testing event must be:

(1) Purchased by the retail licensee from a wholesale licensee;

(2) Purchased, at the retail price, by a licensed sales representative participating in the taste-testing event from existing stock available for purchase at the retail licensee's premises; or

(3) Provided by a licensed sales representative participating in the taste-testing event or by a manufacturer licensed under section 1355-A participating in the taste-testing event and purchased in the State at the retail price. A record of a transaction under this subparagraph must be maintained and made available to the bureau. After the taste-testing event is concluded, the licensed sales representative or manufacturer shall remove all products supplied for the taste-testing event from the licensee's premises.

**Sec. 7. 28-A MRSA §1505, sub-§4**, as repealed and replaced by PL 2015, c. 329, Pt. D, §3 and affected by §4, is amended to read:

**4. Pour, provide or distribute.** A sales representative participating in a tasting event pursuant to this section may not pour or distribute to consumers the

products being offered for tasting during the event unless the sales representative was listed on a request submitted to the bureau by a licensee to conduct a taste testing in accordance with section 460; section 1051, subsection 8; section 1205; or section 1207. A sales representative who pours or distributes products to consumers at a tasting event under section 460; section 1051, subsection 8; section 1205; or section 1207 must have successfully completed an alcohol server education course approved by the commissioner. A sales representative may purchase spirits or provide liquor for a consumer tasting event in compliance with section 460, section 1205 or section 1207 if the sales representative has successfully completed an alcohol server education course approved by the commissioner.

See title page for effective date.

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**CHAPTER 350  
H.P. 799 - L.D. 1251**

**An Act to Clarify Immunity  
from Liability for  
Municipalities Engaged in  
Recycling Activities**

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

**Sec. 1. 14 MRSA §159-B, sub-§1, ¶B**, as enacted by PL 1991, c. 487, §1, is amended to read:

**B.** "Recycling activities" means collection or separation or both of materials on the property of a municipality or in containers:

(1) Owned by a municipality or regional association as defined in Title 38, section 1303-C, subsection 24; and

(2) Located on the premises of the owner, lessee or occupant under an agreement between the municipality or regional association and the owner, lessee or occupant of the premises.

**Sec. 2. 14 MRSA §159-B, sub-§4-A** is enacted to read:

**4-A. Municipal immunity.** Except as provided in subsection 4, a municipality performing recycling activities in accordance with this subsection is performing a discretionary function pursuant to section 8104-B, subsection 3 and is immune from liability for personal injury, property damage or death, including of a member of the public, caused by recycling activities of the municipality on property owned by the municipality or on the premises of another person. A municipality is immune from liability under this subsection only if the municipality has adopted and regularly enforces a written policy establishing reasonable safety standards applicable to the premises where the municipality per-