

# 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**

922(g)(3), the use, possession or transport of cannabis in accordance with Title 22, chapter 558-C or Title 28-B may not serve as the basis for the prohibition to own, possess or have under a person's control a firearm in this section. Violation of this paragraph is a Class D crime;

See title page for effective date.

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**CHAPTER 382**

**H.P. 701 - L.D. 1105**

**An Act to Ensure Lower Costs and Consumer Protections for Patients by Prohibiting Certain Billing Practices**

**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. Disclosure to enrollees of cash price.** A carrier may not prohibit a provider from providing an enrollee with the option of paying the provider's discounted cash price for health care services. For the purposes of this subsection, "discounted cash price" means:

A. With respect to a hospital, the discounted cash price as that term is defined in 45 Code of Federal Regulations, Section 180.20 if the hospital has a discounted cash price and does not mean the amount charged to individuals who are eligible for free care or are eligible for the amounts charged pursuant to a hospital's financial assistance policy;  
or

B. With respect to a provider that is not a hospital, the charge that applies to an enrollee who is paying for a health care service without filing any claim with a carrier.

See title page for effective date.

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**CHAPTER 383**

**S.P. 643 - L.D. 1626**

**An Act to Standardize Requirements Between Boards of Visitors for County Jails and Department of Corrections Correctional Facilities**

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

**Sec. 1. 30-A MRSA §1651**, as amended by PL 2021, c. 620, §3, is further amended to read:

**§1651. Examination of jails; board of visitors**

**1. Examination.** At the commencement of each session required by law, the county commissioners shall examine the jail in their county and take necessary precautions for the security of prisoners, for the prevention of infection and sickness and for the accommodations of the prisoners.

**2. Appointment.** The sheriff for each county shall appoint a board of 7 visitors for each jail or other county correctional facility under the sheriff's supervision.

A. Members of the boards of visitors serve for terms of ~~one year~~ 3 years.

B. Members of the boards of visitors are eligible for reappointment at the expiration of their terms. The boards of visitors must be representative of a broad range of professionals, family members and citizens interested in the well-being of prisoners, including representatives of advocacy groups for human and civil rights, medical and psychiatric professionals, persons who have served in corrections settings and other interested citizens. One member of each board of visitors must be a person with knowledge of issues related to the incarceration of women. One member of each board of visitors must be a woman who has been incarcerated in the State and who has prior child welfare experience with the Department of Health and Human Services, Office of Child and Family Services. One member of each board of visitors must have experience in the field of mental or behavioral health.

C. A member of the Legislature or an employee of a sheriff's department may not serve on a board of visitors.

D. The sheriffs of 2 or more counties, at their discretion, may appoint a joint board of visitors of 7 or more members.

~~**3. Powers.** Each board of visitors shall inspect the correctional facility to which it is assigned, subject to reasonable restrictions required by the sheriff to ensure the security of the jail, and make recommendations to the sheriff with respect to inmates who are mentally ill.~~

**4. Duties.** Boards of visitors have the following duties.

A. Each board of visitors shall inspect the jail or other county correctional facility to which it is assigned. Each board of visitors must be provided open access to all physical areas of the jail or other county correctional facility, including access to areas housing prisoners. Each board of visitors must be provided the opportunity to speak to prisoners and to staff. Members of the board of visitors shall comply with all sheriff's office policies and procedures and security practices regarding access to the jail or other county correctional facility, shall adhere to all federal and state laws regarding confi-

dentiality and shall refer concerns or complaints regarding specific individuals to the jail administrator or advocate or other county correctional facility administrator or advocate.

B. Each board of visitors shall make recommendations to the sheriff regarding services or treatment for prisoners who have mental health challenges or are mentally ill.

C. Each board of visitors shall review the management of the jail or other county correctional facility to which it is assigned to determine whether that management is consistent with the philosophy, mission and policy goals of the sheriff's office and facility. On or before February 15th of each calendar year, each board of visitors shall prepare an annual report including its recommendations and shall provide copies of its report to the jail administrator, the county commissioner and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The sheriff shall provide copies with the sheriff's response to the reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters within one month of receiving the annual reports.

D. Each board of visitors shall appear before the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters upon request.

E. Each board of visitors shall meet regularly and tour the jail or other county correctional facility to which it is assigned at least 4 times a year. At each meeting, a board of visitors may request and must receive information from the jail administrator or a county correctional facility administrator that the board determines will assist in the review of the management of the jail. To the extent that a board of visitors is not discussing matters made confidential by federal or state law, a meeting of the board is a public proceeding and must be conducted in accordance with Title 1, section 403. Boards of visitors may meet jointly.

F. Each board of visitors shall share copies of that board's annual report with the other boards of visitors of that sheriff's office.

**5. Orientation and training.** A board of visitors must receive annual training, including:

A. Facilities orientation, including a tour of the jail or other county correctional facility to which the board of visitors is assigned, explanation of the facility command structure and receipt of the Department of Corrections' publication regarding detention and correctional standards for Maine counties and municipalities, facility prisoner handbooks, volunteer policies and board of visitors policies;

B. Review of the federal Americans with Disabilities Act of 1990 and guidance concerning domestic violence, substance use disorder including opioids, behavioral health and adverse childhood trauma;

C. A list and explanation of available community resources;

D. The legal requirements of this section; and

E. Training on any other subject as determined by the sheriff or chair of the board of visitors.

**Sec. 2. 34-A MRSA §3001-A, sub-§1,** as enacted by PL 2005, c. 683, Pt. B, §26, is amended to read:

**1. Appointment.** The Governor shall appoint a board of § 7 visitors for each correctional facility under the department, as authorized by Title 5, section 12004-I, subsection 5.

A. The terms of the members of the boards of visitors are for 3 years.

B. Members of the boards of visitors are eligible for reappointment at the expiration of their terms.

C. A member of the Legislature or an employee of the department may not serve on any board of visitors.

D. At least one member of each board must be a person licensed by this State to provide mental health services.

E. Each member of the boards of visitors must be compensated according to the provisions of Title 5, chapter 379.

F. The Governor shall appoint a chair from the membership.

G. At least one member of each board of visitors must have been incarcerated in a correctional facility.

**Sec. 3. 34-A MRSA §3001-A, sub-§2, ¶B,** as enacted by PL 2005, c. 683, Pt. B, §26, is amended to read:

B. Each board of visitors shall review the management of the correctional facility to which it is assigned to determine whether that management is consistent with the philosophy, mission and policy goals of the department and facility. ~~Each~~ On or before February 15th of each calendar year, each board of visitors shall prepare an annual report including its recommendations and shall provide copies of its report to the chief administrative officer of the facility, the commissioner and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The commissioner shall provide copies with the department's response to the reports to the joint

standing committee of the Legislature having jurisdiction over criminal justice and public safety matters within one month of receiving the annual reports.

**Sec. 4. 34-A MRSA §3001-A, sub-§2, ¶D,** as enacted by PL 2005, c. 683, Pt. B, §26, is amended to read:

~~Boards~~ Each board of visitors shall meet regularly and tour the correctional facility to which it is assigned at least 4 times a year. At each meeting, a board of visitors may request and must receive information from the chief administrative officer ~~as that the board determines will assist in the review of the management of the facility.~~ To the extent that a board of visitors is not discussing matters made confidential by federal or state law, ~~meetings of boards are a meeting of the board is a public proceeding proceeding~~ and must be conducted in accordance with Title 1, section 403. Boards of visitors may meet jointly.

**Sec. 5. 34-A MRSA §3001-A, sub-§5** is enacted to read:

**5. Orientation and training.** A board of visitors must receive annual training, including:

A. Facilities orientation, including a tour of the correctional facility to which the board of visitors is assigned, explanation of the facility command structure and receipt of standards of the American Correctional Association or successor organization, facility client handbooks, volunteer policies and board of visitors policies;

B. Review of the federal Americans with Disabilities Act of 1990 and guidance concerning domestic violence, substance use disorder including opioids, behavioral health and adverse childhood trauma;

C. A list and explanation of available community resources;

D. The legal requirements of this section; and

E. Training on any other subject as determined by the commissioner or chair of the board of visitors.

See title page for effective date.

**CHAPTER 384**

**H.P. 1160 - L.D. 1814**

**An Act to Reduce Mercury in the Environment by Phasing Out Certain Fluorescent Light Bulbs**

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

**Sec. 1. 38 MRSA §1672, sub-§1, ¶A-2** is enacted to read:

A-2. "Compact fluorescent mercury-added lamp" means a compact, low-pressure, mercury-containing, electric-discharge light source, whether integrally ballasted or nonintegrally ballasted and regardless of the tube diameter or length and the shape or size of the lamp, in which a fluorescent coating transforms a portion of the ultraviolet energy generated by the mercury discharge into visible light and that:

(1) Has a single base or end cap of any type, including, but not limited to, a screw base type, a bayonet base type or a 2-pin or 4-pin base type; and

(2) Provides a light emission between a correlated color temperature of 1,700K and 24,000K and a Duv of +0.024 and -0.024 in the International Commission on Illumination (CIE) Uniform Color Space (CAM02-UCS).

**Sec. 2. 38 MRSA §1672, sub-§1, ¶A-3** is enacted to read:

A-3. "Linear fluorescent mercury-added lamp" means a low-pressure, mercury-containing, electric-discharge light source, regardless of the tube diameter and the shape of the lamp, in which a fluorescent coating transforms a portion of the ultraviolet energy generated by the mercury discharge into visible light and that:

(1) Has 2 bases or end caps of any type, including, but not limited to, a one-pin or 2-pin base type and a recessed double contact base type;

(2) Provides a light emission between a correlated color temperature of 1,700K and 24,000K and a Duv of +0.024 and -0.024 in the International Commission on Illumination (CIE) Uniform Color Space (CAM02-UCS); and

(3) Has a tube length of 0.5 feet to 8 feet.

**Sec. 3. 38 MRSA §1672, sub-§1, ¶B,** as enacted by PL 2009, c. 272, §1, is amended to read:

B. "Mercury-added lamp" means an electric lamp to which mercury is intentionally added during the manufacturing process, including, but not limited to, a linear fluorescent mercury-added lamp, a compact fluorescent, mercury-added lamp and a black light, high-intensity discharge, ultraviolet and or neon lamps mercury-added lamp.

**Sec. 4. 38 MRSA §1672, sub-§4-A** is enacted to read:

4-A. Sales prohibition and exceptions. Beginning January 1, 2026, a person may not offer for sale,