

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

**CHAPTER 453
H.P. 217 - L.D. 343**

**An Act to Invest in an
Educational Technician
Training Program to Address
Shortages in Public Schools**

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

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE

Maine Community College System - Board of Trustees 0556

Initiative: Provides one-time funds to support the Learning Facilitator Credential Program at Eastern Maine Community College.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$200,000
GENERAL FUND TOTAL	\$0	\$200,000

See title page for effective date.

**CHAPTER 454
S.P. 260 - L.D. 592**

**An Act to Amend the Law
Governing MaineCare
Coverage of Chiropractic
Treatment**

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

Sec. 1. 22 MRSA §3174-CCC, sub-§1, as enacted by PL 2019, c. 421, §1 and reallocated by RR 2019, c. 1, Pt. A, §24, is repealed and the following enacted in its place:

1. Reimbursement. The department shall reimburse under the MaineCare program for certain chiropractic services, as described in this section and defined in department rules, performed by a chiropractic doctor licensed under Title 32, chapter 9 that are within the scope of practice of chiropractic doctors. Services that are reimbursed are the following:

A. Treatment by means of manual manipulation of the spine;

B. Evaluation and management examinations; and

C. Physical therapy when the service is otherwise covered by MaineCare when performed by a physical therapist licensed under Title 32, chapter 45-A.

This subsection does not affect any limits that may apply to reimbursements such as limits on the number of visits.

Sec. 2. State plan amendment. No later than July 1, 2024, the Department of Health and Human Services shall apply to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for a state plan amendment to allow for Medicaid reimbursement for physical therapy services performed by chiropractic doctors licensed under the Maine Revised Statutes, Title 32, chapter 9 within their scope of practice as long as those services are covered when performed by licensed physical therapists.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Medical Care - Payments to Providers 0147

Initiative: Provides one-time funding for physical therapy services that are within a chiropractic doctor's scope of practice and are otherwise covered if provided by a licensed physical therapist.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$33,716
GENERAL FUND TOTAL	\$0	\$33,716

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$77,722
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$77,722

FEDERAL BLOCK GRANT FUND	2023-24	2024-25
All Other	\$0	\$1,755
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$1,755

Sec. 4. Contingent effective date. That section of this Act that repeals and replaces the Maine Revised Statutes, Title 22, section 3174-CCC, subsection 1 does not take effect unless:

1. The United States Department of Health and Human Services, Centers for Medicare and Medicaid Services approves a state plan amendment to allow for Medicaid reimbursement for physical therapy services performed by chiropractic doctors licensed under Title 32, chapter 9 within their scope of practice as long as those services are covered when performed by licensed physical therapists; and

2. The Commissioner of Health and Human Services notifies the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and

the Revisor of Statutes that written approval for the state plan amendment has been received.

See title page for effective date, unless otherwise indicated.

**CHAPTER 455
S.P. 453 - L.D. 1119**

An Act to Clarify the Criminal Statutes with Regard to Assaults on Emergency Medical Services Persons

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

Sec. 1. 17-A MRSA §752-C, as amended by PL 2015, c. 471, §1, is further amended to read:

§752-C. Assault on an emergency medical care provider services person

1. A person is guilty of assault on an emergency medical care provider services person if that person intentionally, knowingly or recklessly causes bodily injury to an emergency medical care provider a person licensed pursuant to Title 32, chapter 2-B while the emergency medical care provider that licensee is providing emergency medical care regardless of the location where the emergency medical care is provided.

2. As used in this section, "emergency medical care provider" includes hospital personnel assisting in an emergency and emergency medical services persons, defined in Title 32, section 83, subsection 12, but does not include a firefighter as defined in section 752-E, subsection 2.

3. Assault on an emergency medical care provider services person is a Class C crime.

Sec. 2. 17-A MRSA §752-F is enacted to read:

§752-F. Assault in an emergency room

1. A person is guilty of assault in an emergency room if that person intentionally, knowingly or recklessly causes bodily injury to a person employed or contracted by a hospital licensed under Title 22, chapter 405 if the injury occurs in the hospital's designated emergency room.

2. Assault in an emergency room is a Class C crime.

Sec. 3. 17-A MRSA §1604, sub-§5, ¶B, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

B. If the State pleads and proves that, at the time any crime, ~~excluding murder~~, under chapter 9, 11, 12, 13, 27 or 35, ~~excluding section 853-A~~; section 402-A, subsection 1, paragraph A; or section

752-A ~~or~~, 752-C or 752-F was committed, or an attempt of any such crime was committed, the individual had 2 or more prior convictions under chapter 9, 11, 12, 13, 27 or 35, excluding section 853-A; section 402-A, subsection 1, paragraph A; or section 752-A ~~or~~, 752-C or 752-F, or for an attempt of any such crime, or for engaging in substantially similar conduct in another jurisdiction, the sentencing class for the crime is one class higher than it would otherwise be.

(1) In the case of a Class A crime, the sentencing class is not elevated, but the prior record must be assigned special weight by the court when imposing a sentence.

(2) Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, for violations under chapter 11, the dates of prior convictions may have occurred at any time.

This paragraph does not apply to section 210-A if the prior convictions have already served to elevate the sentencing class under section 210-A, subsection 1, paragraph C or E or any other offense in which prior convictions have already served to elevate the sentencing class.

This paragraph does not apply to murder under section 201 or to section 853-A.

Sec. 4. 22 MRSA §832-A, sub-§1, ¶C, as enacted by PL 2017, c. 292, §1, is amended to read:

C. "Emergency medical care provider" ~~has the same meaning as in Title 17-A, section 752-C, subsection 2~~ includes hospital personnel assisting in an emergency and emergency medical services persons, defined in Title 32, section 83, subsection 12, but does not include a firefighter.

See title page for effective date.

**CHAPTER 456
H.P. 741 - L.D. 1169**

An Act to Amend the Laws Governing the Foreign Credentialing and Skills Recognition Revolving Loan Program

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

Sec. 1. 10 MRSA c. 110, sub-c. 13, headnote is amended to read:

SUBCHAPTER 13