

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2024

Insurance Program to reduce barriers to coverage or increase MaineCare eligibility for persons under 21 years of age.

Sec. 16. 24 MRSA §2332-A, sub-§2, as amended by PL 2005, c. 683, Pt. A, §38, is further amended to read:

2. Medicaid and ~~Cub-Care programs~~ Children's Health Insurance Program. Nonprofit service organizations may not consider the availability or eligibility for medical assistance under 42 United States Code, Section 13969, referred to as "Medicaid," or Title 22, section 3174-T, referred to as the "~~Cub-Care program~~ Children's Health Insurance Program," when considering coverage eligibility or benefit calculations for subscribers and covered family members.

A. To the extent that payment for coverage expenses has been made under the Medicaid program or the ~~Cub-Care program~~ Children's Health Insurance Program for health care items or services furnished to an individual, the State is considered to have acquired the rights of the covered subscriber or family member to payment by the nonprofit service organization for those health care items or services. Upon presentation of proof that the Medicaid program or the ~~Cub-Care program~~ Children's Health Insurance Program has paid for covered items or services, the nonprofit service organization shall make payment to the Medicaid program or the ~~Cub-Care program~~ Children's Health Insurance Program according to the coverage provided in the contract or certificate.

B. A nonprofit service organization may not impose requirements on a state agency that has been assigned the rights of an individual eligible for Medicaid or ~~Cub-Care~~ Children's Health Insurance Program coverage and covered by a subscriber contract that are different from requirements applicable to an agent or assignee of any other covered individual.

Sec. 17. 24-A MRSA §2844, sub-§2, as amended by PL 2005, c. 683, Pt. A, §41, is further amended to read:

2. Medicaid and ~~Cub-Care programs~~ Children's Health Insurance Program. Insurers may not consider the availability or eligibility for medical assistance under 42 United States Code, Section 13969, referred to as "Medicaid," or Title 22, section 3174-T, referred to as the "~~Cub-Care program~~ Children's Health Insurance Program," when considering coverage eligibility or benefit calculations for insureds and covered family members.

A. To the extent that payment for coverage expenses has been made under the Medicaid program or the ~~Cub-Care program~~ Children's Health Insurance Program for health care items or services furnished to an individual, the State is

considered to have acquired the rights of the insured or family member to payment by the insurer for those health care items or services. Upon presentation of proof that the Medicaid program or the ~~Cub-Care program~~ Children's Health Insurance Program has paid for covered items or services, the insurer shall make payment to the Medicaid program or the ~~Cub-Care program~~ Children's Health Insurance Program according to the coverage provided in the contract or certificate.

B. An insurer may not impose requirements on a state agency that has been assigned the rights of an individual eligible for Medicaid or ~~Cub-Care~~ Children's Health Insurance Program coverage and covered by a subscriber contract that are different from requirements applicable to an agent or assignee of any other covered individual.

Sec. 18. 24-A MRSA §2849-B, sub-§3, ¶C-1, as amended by PL 2005, c. 683, Pt. A, §42, is further amended to read:

C-1. That person was covered by the ~~Cub-Care program~~ Children's Health Insurance Program under Title 22, section 3174-T, and the request for replacement coverage is made while coverage is in effect or within 30 days from the termination of coverage; or

Sec. 19. 32 MRSA §18377, sub-§4, as amended by PL 2019, c. 388, §10, is further amended to read:

4. Dental coverage and reimbursement. Notwithstanding Title 24-A, section 2752, any service performed by a dentist, dental assistant or dental hygienist licensed in this State that is reimbursed by private insurance, a dental service corporation, the MaineCare program under Title 22 or the ~~Cub-Care program~~ Children's Health Insurance Program under Title 22, section 3174-T must also be covered and reimbursed when performed by a dental therapist authorized to practice under this chapter.

See title page for effective date.

CHAPTER 598

S.P. 331 - L.D. 772

An Act to Limit Retroactive Application of Land Use Ordinances to Pending Permit Applications That Propose Housing

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

Sec. 1. 30-A MRSA §3007, sub-§7 is enacted to read:

7. Restriction on retroactive application. A municipality or a municipal reviewing authority as defined by section 4301, subsection 12 may not enforce or apply a land use ordinance with retroactive effect unless the ordinance includes a provision that expressly states it has retroactive application. A municipality or municipal reviewing authority may not apply a land use ordinance with retroactive effect to a pending permit application for a land use permit that includes a proposal for a development that includes one or more units of residential housing if the proposal date of the ordinance occurred after the application was submitted to the municipality and, notwithstanding Title 1, section 302, the application is deemed complete for processing. For the purposes of this subsection:

A. "Proposal date" means the date on which the proposed land use ordinance or proposed amendment to an ordinance is posted pursuant to section 3002, subsection 1 or the date on which a permit application is filed to circulate a petition for a voter-initiated measure to adopt or amend a land use ordinance; and

B. A permit application is deemed complete for processing when it is submitted to the municipality or municipal reviewing authority and, at the time of submission, the applicant can demonstrate legally enforceable title or right to or interest in all the property proposed for development.

See title page for effective date.

CHAPTER 599

H.P. 492 - L.D. 803

An Act Regarding Department of Economic and Community Development Evaluations of State Investments in Economic Development

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

Sec. 1. 5 MRSA §13070-P, sub-§2, as enacted by PL 2017, c. 264, §13, is amended to read:

2. Action on evaluation recommendations. By February 1, 2021 and every 4 years thereafter, the commissioner shall present the evaluation and results from the most recent evaluation required under this section to the joint standing committee of the Legislature having jurisdiction over ~~labor, commerce, research and economic development matters~~ and the joint standing committee of the Legislature having jurisdiction over taxation matters. The commissioner shall report to the Governor and the ~~committee~~ committees on actions planned by the department and other entities administering the programs to address the recommendations made. The ~~committee~~ committees

shall also consider the independent reviewers' recommendations and may each submit a bill to the Legislature to implement recommendations.

By February 1, 2023 and by February 1st every 4 years thereafter, the commissioner shall submit to the Governor, ~~and~~ the joint standing committee of the Legislature having jurisdiction over ~~labor, commerce, research and economic development matters~~ and the joint standing committee of the Legislature having jurisdiction over taxation matters a progress report related to the evaluation required under this section that describes the implementation status of the planned actions to address the recommendations from the prior evaluation.

See title page for effective date.

CHAPTER 600

H.P. 1308 - L.D. 2046

An Act Regarding the Placement of Certain Defendants Found Incompetent to Stand Trial

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

Sec. 1. 34-A MRSA §3069-D is enacted to read:

§3069-D. Placement of defendants found incompetent to stand trial

1. Acceptance of placement. The commissioner may accept the placement of an adult defendant, referred to in this section as "the defendant," in a mental health unit of a correctional facility whom a court, after hearing, finds by clear and convincing evidence is incompetent to stand trial and whom the court commits to the custody of the Commissioner of Health and Human Services under Title 15, section 101-D, subsection 5 if, in addition to the findings required under Title 15, section 101-D, subsection 5, the court finds that:

A. The defendant is at risk of causing serious harm by engaging in interpersonal violence that is not primarily driven by symptoms of a major mental illness or other disability;

B. There is not sufficient security at a state mental health institute to address the likelihood of serious harm; and

C. There is no other less restrictive alternative to placement in a mental health unit of a correctional facility.

2. Treatment; transfer. The department shall provide services and treatment consistent with the requirements of Title 15, section 101-D, subsection 5 to