

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

D. The ratio of the number of successful enrollee appeals overturning the original denial to the total number of appeals filed;

E. The percentage of disenrollments by enrollees and providers from the health plan within the previous 12 months and the reasons for the disenrollments. With respect to enrollees, the information provided in this paragraph must differentiate between voluntary and involuntary disenrollments; and

F. Enrollee satisfaction statistics, including provider-to-enrollee ratio by geographic region and medical specialty and a report on what actions, if any, the carrier has taken to improve complaint handling and eliminate the causes of valid complaints.

Sec. B-2. 24-A MRSA §4302, sub-§2-A is enacted to read:

2-A. Reporting of information related to prior authorization. In addition to the information required to be provided under subsection 2, a carrier shall annually report to the superintendent the following information related to prior authorization determinations for the prior calendar year:

A. A list of all items and services that require prior authorization;

B. The number and percentage of standard prior authorization requests that were approved, aggregated for all items and services;

C. The number and percentage of standard prior authorization requests that were denied, aggregated for all items and services;

D. The number and percentage of standard prior authorization requests that were approved after appeal, aggregated for all items and services;

E. The number and percentage of prior authorization requests for which the time frame for review was extended and the request approved, aggregated for all items and services;

F. The number and percentage of expedited prior authorization requests that were approved, aggregated for all items and services;

G. The number and percentage of expedited prior authorization requests that were denied, aggregated for all items and services;

H. The average and median time that elapsed between the submission of a request and a determination by the carrier, for standard prior authorizations, aggregated for all items and services;

I. The average and median time that elapsed between the submission of a request and a decision by the carrier for expedited prior authorizations, aggregated for all items and services; and

J. The average and median time that elapsed between the submission of a concurrent care prior authorization request to extend a course of treatment and a determination by the carrier, aggregated for all items and services.

Sec. B-3. 24-A MRSA §4302, sub-§2-B is enacted to read:

2-B. Data reporting; utilization review data. Beginning April 1, 2025 and April 1st of each year thereafter, the superintendent shall collect the information required under subsections 2 and 2-A, together with the utilization review information collected pursuant to section 2749, and post this information on the bureau's publicly accessible website.

Sec. B-4. Reporting on data submitted by health insurance carriers on prior authorization determinations. The Superintendent of Insurance shall survey health insurance carriers in this State to request data from carriers for calendar years 2021, 2022 and 2023 that, at a minimum, provides information related to prior authorization determinations as described in the Maine Revised Statutes, Title 24-A, section 4302, subsection 2-A. No later than January 15, 2025, the Superintendent shall submit to the joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters a report that collects the data submitted by each carrier related to prior authorization determinations. The joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters may report out a bill to the 132nd Legislature in 2025 based on the report provided in accordance with this section.

See title page for effective date.

CHAPTER 681

S.P. 374 - L.D. 877

**An Act to Increase
Cybersecurity in Maine**

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

Sec. 1. 5 MRSA c. 164 is enacted to read:

CHAPTER 164

**CYBERSECURITY AND PROTECTION OF
CRITICAL INFRASTRUCTURE**

§2021. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Chief Information Officer. "Chief Information Officer" has the same meaning as in section 1972, subsection 2.

2. Foreign adversary. "Foreign adversary" means a foreign government or foreign nongovernment person whom the United States Secretary of Commerce has determined, pursuant to 15 Code of Federal Regulations, Section 7.4 (2024), has engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States persons.

3. Foreign adversary business entity. "Foreign adversary business entity" means any type of organization, entity or enterprise engaged in commerce, whether operated for profit, that is organized under the laws or rules of a foreign adversary, directly or indirectly owned or controlled by a foreign adversary or domiciled within the geographic borders of a foreign adversary.

4. Local governmental entity. "Local governmental entity" means any local government, political subdivision or school district and any other public or private agency, person, partnership, corporation or business entity acting on behalf of any local governmental entity.

5. State agency. "State agency" means the State, or any department, agency, board, commission or other body of State Government, including publicly funded institutions of higher education.

§2022. Chief Information Officer to establish lists

The Chief Information Officer shall establish and maintain:

1. List of prohibited companies. A list of companies, including foreign adversary business entities, that pose a national security risk or a risk to the security and safety of persons of the United States. The list must include, but is not limited to, all companies identified by statute, regulation or official guidance from the United States Department of Commerce, the Federal Communications Commission, the United States Department of Homeland Security or any other appropriate federal agency as posing a national security risk or a risk to the security and safety of persons of the United States; and

2. List of prohibited information and communications technology and services. A list of information and communications technology and services that pose a national security risk or a risk to the security and safety of persons of the United States. The list must include, but is not limited to, all information and communications technology and services identified by statute, regulation or official guidance from the United States Department of Commerce, the Federal Communications Commission, the United States Department of Homeland Security or any other appropriate federal

agency as posing a national security risk or a risk to the security and safety of persons of the United States.

The lists must be published on the publicly accessible website of the Department of Administrative and Financial Services, Office of Information Technology and updated at least annually.

§2023. Prohibited contract, use or purchase by state agency

Except as provided in sections 2027 and 2028, a state agency may not contract with a company included on the list of prohibited companies established and maintained by the Chief Information Officer pursuant to section 2022, subsection 1 or use, obtain or purchase any information or communications technology or services included on the list of prohibited information and communications technology and services established and maintained by the Chief Information Officer pursuant to section 2022, subsection 2.

§2024. Prohibited contract, use or purchase by local governmental entity

Except as provided in section 2027, a local governmental entity may not use state funds in a contract with a company included on the list of prohibited companies established and maintained by the Chief Information Officer pursuant to section 2022, subsection 1 or use, obtain or purchase any information or communications technology or services included on the list of prohibited information and communications technology and services established and maintained by the Chief Information Officer pursuant to section 2022, subsection 2.

§2025. Indirect transfer of state funds

A local governmental entity, when purchasing information or communications technology or services or entering into a contract for goods or services, shall take all reasonable steps to ensure state funds are not indirectly transferred to a company on the list of prohibited companies maintained by the Chief Information Officer pursuant to section 2022, subsection 1.

§2026. Prohibited contract, use or purchase by judicial branch and legislative branch

Except as provided in sections 2027, 2029 and 2030, an office of the legislative branch or judicial branch may not contract with a company included on the list of prohibited companies established and maintained by the Chief Information Officer pursuant to section 2022, subsection 1 or use, obtain or purchase any information or communications technology or services included on the list of prohibited information and communications technology and services established and maintained by the Chief Information Officer pursuant to section 2022, subsection 2.

§2027. Exemption; law enforcement

The prohibitions in sections 2023 and 2024 do not apply to law enforcement entities, such as the State Police, a county sheriff's office and local law enforcement departments, to the extent the prohibitions restrict a law enforcement entity's ability to protect the public or investigate criminal activity.

§2028. Waiver of prohibitions; executive branch

Upon written request from a state agency, the Chief Information Officer may waive the prohibitions imposed in sections 2023 and 2024 as long as the waiver does not pose a national security risk or a risk to the security and safety of persons of the United States.

§2029. Waiver of prohibitions; legislative branch

The Legislative Council, established in Title 3, section 161, or its designee, may waive the prohibitions imposed in sections 2023 and 2024 as long as the waiver does not pose a national security risk or a risk to the security and safety of persons of the United States.

§2030. Waiver of prohibitions; judicial branch

The State Court Administrator under Title 4, section 15, or the State Court Administrator's designee, may waive the prohibitions imposed in sections 2023 and 2024 as long as the waiver does not pose a national security risk or a risk to the security and safety of persons of the United States.

§2030-A. Certification required; civil violation

A person that submits a bid or proposal for a contract with the State for goods or services shall certify that the person is not a foreign adversary business entity. A person that submits a false certification under this section commits a civil violation for which a fine may be adjudged in an amount that is twice the amount of the contract for which the bid or proposal was submitted or \$250,000, whichever is greater.

§2030-B. Contracts void

The following contracts entered into by a state agency on or after the effective date of this chapter are void:

1. Foreign adversary business entity. A contract with a foreign adversary business entity;

2. Prohibited company. A contract with a company included on the list of prohibited companies established and maintained by the Chief Information Officer pursuant to section 2022, subsection 1 that was not granted a waiver under section 2028; and

3. Prohibited information or communications technology or services. A contract to purchase information or communications technology or services included on the list of prohibited information or communications technology or services established and maintained by the Chief Information Officer pursuant to section 2022, subsection 2 that was not granted a waiver under section 2028.

§2030-C. Rules

The department may adopt rules to implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined in chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 682

H.P. 725 - L.D. 1153

**An Act Regarding Municipal
Taxation of Certain Solar
Energy Equipment**

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

Sec. 1. 36 MRSA §655, sub-§1, ¶T, as amended by PL 2019, c. 440, §2, is further amended to read:

T. Trail-grooming equipment registered under Title 12, section 13113; ~~and~~

Sec. 2. 36 MRSA §655, sub-§1, ¶U, as amended by PL 2021, c. 181, Pt. C, §2, is further amended to read:

U. Solar and wind energy equipment that generates heat or electricity if all of the energy is:

(1) Used on the site where the property is located; or

(2) Transmitted through the facilities of a transmission and distribution utility; and a utility customer or customers receive a utility bill credit for the energy generated by the equipment pursuant to Title 35-A.

On or before April 1st of the first property tax year for which a taxpayer claims an exemption under this paragraph, the taxpayer claiming the exemption shall file a report with the assessor. The report must identify the property for which the exemption is claimed and must be made on a form prescribed by the State Tax Assessor or a substitute form approved by the State Tax Assessor. The State Tax Assessor shall furnish copies of the form to each municipality in the State and make the forms available to taxpayers.

This paragraph applies to solar energy equipment for property tax years beginning before April 1, 2025; and

Sec. 3. 36 MRSA §655, sub-§1, ¶V is enacted to read:

V. For property tax years beginning on or after April 1, 2025, solar energy equipment that generates heat or electricity if: