

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

7. Infrastructure and material needs.

The Joint Standing Committee on Education and Cultural Affairs is authorized to submit legislation related to the report to the Second Regular Session of the 131st Legislature.

See title page for effective date.

CHAPTER 83

H.P. 1185 - L.D. 1855

Resolve, Directing the Office of Tax Policy to Study Maine's Mining Excise Tax

Sec. 1. Office of Tax Policy to study State's mining excise tax; report. Resolved: That the Department of Administrative and Financial Services, Bureau of Revenue Services, Office of Tax Policy shall examine and evaluate the State's taxation of metallic mineral mining business activity, including the mining excise tax, and shall review mining taxes and fees from other states, including severance taxes, excise taxes, extraction fees and royalties and corresponding potential uses of collected revenue, and consult with national mining tax experts as appropriate. No later than January 15, 2024, the Office of Tax Policy shall submit a report to the Joint Standing Committee on Taxation that includes its findings and recommendations, including suggested legislation, that are consistent with the policy and purposes in the Maine Revised Statutes, Title 36, section 2853. The Joint Standing Committee on Taxation may submit legislation related to the report to the Second Regular Session of the 131st Legislature.

See title page for effective date.

CHAPTER 84

S.P. 315 - L.D. 757

Resolve, to Review Telemonitoring and Certain Telehealth Services Reimbursed under MaineCare

Sec. 1. Department to review telemonitoring services reimbursable under MaineCare. Resolved: That the Department of Health and Human Services shall review its coverage of telemonitoring services reimbursable under the MaineCare program, including its policy of restricting access to telemonitoring to patients eligible for home health services, and shall develop recommendations for changes to its coverage of telemonitoring services, including potential expansion of telemonitoring services to members not receiving home health services.

Sec. 2. Department to review certain telehealth services reimbursable under MaineCare. Resolved: That the Department of Health and Human Services shall review its reimbursement under the MaineCare program for ultrasound procedures and fetal nonstress tests performed remotely in a residence or other off-site location through telehealth. The department shall clarify whether these services are reimbursable under current policy and, if not, shall develop recommendations regarding future reimbursement of these services.

Sec. 3. Report. Resolved: That the Department of Health and Human Services shall submit its recommendations developed under sections 1 and 2 to the Joint Standing Committee on Health and Human Services by January 10, 2024. The committee may report out legislation related to the department's report to the Second Regular Session of the 131st Legislature.

See title page for effective date.

CHAPTER 85

S.P. 829 - L.D. 2008

Resolve, to Remove the Prohibition Against Live Plants in State-owned Buildings

Sec. 1. Live plants in state-owned buildings. Resolved: That the Department of Administrative and Financial Services shall amend its rules to allow live plants in state-owned buildings, except that the department may prohibit live plants that develop mold or bacteria or are contributing to an insect infestation.

See title page for effective date.

CHAPTER 86

S.P. 837 - L.D. 2015

Resolve, Approving the 2023 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for Its Publication and Distribution

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 2023 recodification of the Constitution of Maine has been completed by the Chief Justice of the Supreme Judicial Court and submitted to the Legislature; and

Whereas, the recodification must be made available to the public as soon as possible and before the expiration of the 90-day period; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Constitution; approval of 2023 draft and arrangement; enrollment; distribution.

Resolved: That the draft and arrangement of the Constitution of Maine, as amended, made by the Chief Justice of the Supreme Judicial Court pursuant to the Constitution of Maine, Article X, Section 6 is approved and that the same be enrolled on parchment or other suitable material and deposited in the office of the Secretary of State.

Sec. 2. Enrollment on durable material.

Resolved: That the Secretary of State is authorized and directed to cause the Constitution of Maine, as amended and arranged, to be enrolled on parchment or other suitable material and upon final approval of the Chief Justice of the Supreme Judicial Court to attest to the correctness of that enrollment under the seal of the State.

Sec. 3. Publication. Resolved: That the Secretary of State is authorized and directed to cause to be published in pamphlet form, subject to the approval of the Chief Justice of the Supreme Judicial Court, copies of the Constitution of Maine in such numbers as the Secretary of State determines necessary and that one copy of the pamphlet be forwarded to the municipal officers of each city and town and to the assessors of each plantation within the State.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 27, 2023.

CHAPTER 87

H.P. 1186 - L.D. 1856

Resolve, to Study the Establishment of a Public Option Health Benefit Plan

Sec. 1. Office of Affordable Health Care study of health care and coverage. Resolved: That, when conducting the study required by Public Law 2021, chapter 518, the Office of Affordable Health Care shall prioritize consideration of the creation of a public option health benefit plan that takes the form of either a buy-in to the MaineCare program or a fully pub-

licly administered plan that may be eligible for advanced premium tax credits through the Maine Health Insurance Marketplace established under the Maine Revised Statutes, Title 22, section 5403. The office shall also consider other models to address the availability and affordability of health coverage in the State and ways that the State may leverage available federal-state innovation waivers to improve affordability for consumers. Notwithstanding Public Law 2021, chapter 518, the office shall submit a report that prioritizes the consideration of a public option health benefit plan and other models as described in this resolve to the Joint Standing Committee on Health Coverage, Insurance and Financial Services no later than January 31, 2024. The committee may submit legislation in response to the report to the Second Regular Session of the 131st Legislature. The office shall submit a report fulfilling the remaining requirements in Public Law 2021, chapter 518 no later than January 31, 2025.

See title page for effective date.

CHAPTER 88

H.P. 43 - L.D. 68

Resolve, Directing the Office of Tax Policy to Study the Impact of Exempting Certain Nonprofit Organizations from the Sales and Use Tax and the Service Provider Tax

Sec. 1. Study. Resolved: That the Department of Administrative and Financial Services, Bureau of Revenue Services, Office of Tax Policy shall study the legislative history of entity-based exemptions provided to qualifying nonprofit organizations from sales and use tax pursuant to the Maine Revised Statutes, Title 36, section 1760 and from service provider tax pursuant to Title 36, section 2557, including but not limited to review of the entities currently covered and excluded, the impact of changes to statutes if criteria were broadened and exemptions in other states. The department shall submit a report to the Joint Standing Committee on Taxation no later than January 15, 2024. The joint standing committee may report out a bill to the Second Regular Session of the 131st Legislature regarding that report. Notwithstanding Title 36, section 191, the Office of Tax Policy may disclose the number of nonprofit organizations not exempt under Section 501(c)(3) of the federal Internal Revenue Code of 1986 that have active exemption certificates under each sales or service provider tax exemption.

See title page for effective date.