

MAINE STATE LEGISLATURE

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New Draft of: S. P. 47, L. D. 96

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1792

S. P. 507

In Senate, May 19, 1977

Reported by Senator Chapman from Committee on Business Legislation
and printed under Joint Rules No. 2.

MAY M. ROSS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Concerning Insurance Coverage for Deaf, Mentally Retarded,
Blind and Developmentally Disabled Persons.

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

24-A MRSA § 2159-A, as amended by PL 1975, c. 675, is repealed and the following enacted in its place:

§ 2159-A. Insurance discrimination solely on account of blindness prohibited

No insurance company authorized to transact business in this State shall cancel, reduce liability limits of, increase the premiums of or refuse to issue or to renew an insurance policy of any kind that such company sells for the sole reason that the insured or the applicant for insurance is blind, as defined in Title 22, section 3505, subsection 1, or is deaf or developmentally disabled, as defined in paragraph 2. Nothing in this section shall be deemed to prohibit any such insurer from charging an additional premium or refusing to issue such insurance if the general health of such person, including, where applicable, the cause of blindness, deafness, developmental disability, or other material factor in the issuance of insurance warrants such additional premium or refusal to issue. Any such insurer may exclude from policies covering persons who are blind, deaf, or developmentally disabled the payment of benefits arising from losses that would not have occurred except for the fact that such person is blind, deaf or developmentally disabled respectively.

As used in this section, unless the context otherwise indicates, the following words and phrases shall have the following meanings.

1. Deaf. A person shall be considered deaf who either has a minimum pure tone average hearing threshold level of 40 decibels in the better ear on an International Standards Organization-American National Standards Insti-

tute scale, or is not able to hear and understand more than 40% of the words on a standardized word discrimination test using a list of phonetically balanced words at appropriate intensity levels through a speech audiometer.

2. Developmentally disabled. A person shall be considered developmentally disabled who has a disability which:

A. Is attributable to:

(1) Mental retardation, cerebral palsy, epilepsy or autism;

(2) Any other condition found to be closely related to mental retardation, because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment or services similar to those required for such persons; or

(3) Dyslexia resulting from a disability described in paragraph (1) or (2);

B. Originates before such person attains age 18;

C. Has continued or can be expected to continue indefinitely; and

D. Constitutes a substantial handicap to such person's ability to function normally in society.

STATEMENT OF FACT

The purpose of this new draft is to extend the prohibition of insurance discrimination to the blind and developmentally disabled.