

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

J.S. McCarthy Company
Augusta, Maine
1995

§5013. Notice regarding policies that are not Medicare supplement policies

Any individual accident and sickness insurance policy or group insurance certificate, including the contract of a nonprofit hospital and medical service or health care plan issued for delivery in this State to persons eligible for Medicare ~~by reason of age~~, must notify insureds that the policy or certificate is not a Medicare supplement policy or certificate. The notice must be either printed on or attached to the first page of the outline of coverage delivered to insureds; or, if no outline of coverage is delivered, to the first page of the policy or certificate. The notice must be in no less than 12-point type and must contain the following language:

"THIS (POLICY OR CERTIFICATE) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CERTIFICATE). If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the company. If you have a Medicare supplement policy or major medical policy, this coverage may be more than you need. For information call the Bureau of Insurance at (toll-free phone number)."

This section does not apply to a Medicare supplement policy; a policy issued pursuant to a contract under the Federal Social Security Act, 42 United States Code, Section 1395, et seq., Section ~~1833 or~~ 1876; a disability income policy; ~~a single premium nonrenewable policy~~; or a policy identified in section 5001-A, subsection 2.

Sec. 9. 24-A MRSA §5014 is enacted to read:

§5014. Additional penalties

1. Penalties. In addition to any other applicable penalties for violations of this Title or Title 24, the superintendent may order issuers violating any provision of this chapter or any rule adopted pursuant to this chapter to:

A. Comply with the provisions of this chapter; or

B. Cease marketing any Medicare supplement policy or certificate in this State that is directly or indirectly related to a violation.

2. Election of penalty options. The superintendent may exercise any of the penalty options provided by this section, in combination or in sequence, as the superintendent considers appropriate.

Sec. 10. 24-A MRSA §6305, sub-§2, as enacted by PL 1989, c. 931, §5, is amended to read:

2. Final evaluation of savings. The final evaluation of the savings in professional liability

insurance claims and claim settlement costs to insurers must be determined by the superintendent ~~in 1995 as part of the report filed on or before December 1, 2000 under Title 24, section 2978, subsection 2.~~ Insurers shall continue to assess policyholders after ~~1995~~ 2000 based on the final determination, but the total assessment may not be more than \$500,000 per year.

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

Effective March 26, 1996.

CHAPTER 571

S.P. 335 - L.D. 916

An Act to Improve the Function of the Maine Health Security Act

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

Sec. 1. 24 MRSA §2853, sub-§4, as enacted by PL 1985, c. 804, §§12 and 22, is amended to read:

4. Filing of records; time for hearing; extensions. Within 20 days of entry of appearance, the person or persons accused shall contact the claimant's counsel and by agreement shall designate a timetable for filing all the relevant medical and provider records necessary to a determination of the panel and for completing discovery. If the parties are unable to agree on a timetable within 60 days of the entry of appearance, the claimant shall notify the chairman chair of the panel. The chairman chair shall then establish a timetable for the filing of all relevant records and reasonable discovery, which ~~shall~~ must be filed at least 30 days before any hearing date. The hearing ~~shall~~ may not be later than ~~420 days~~ 6 months from the service of the notice of claim upon the clerk, except when the time period has been extended by the panel chair in accordance with this subchapter.

See title page for effective date.

CHAPTER 572

S.P. 528 - L.D. 1445

An Act to Limit the Liability of Property Owners in Cases of Nonnegligent Lead Poisoning

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