

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

or rulings authorizing the mandate and a brief description of the intended purpose of the mandate.

On or before January 1st of each year, the State Budget Officer shall compile a complete list of new federal mandates and distribute it to each member of the Legislature and to the Director of the Office of Fiscal and Program Review.

See title page for effective date.

CHAPTER 592

H.P. 1242 - L.D. 1702

An Act to Require That Diabetes Supplies and Self-management Training be Covered by Health Insurance Policies

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

Sec. 1. 24 MRSA §2332-F is enacted to read:

§2332-F. Coverage for diabetes supplies

All individual and group nonprofit hospital and medical services plan policies and contracts and all nonprofit health care plan policies and contracts must provide coverage for the medically appropriate and necessary equipment, limited to insulin, oral hypoglycemic agents, monitors, test strips, syringes and lancets, and the out-patient self-management training and educational services used to treat diabetes, if:

1. Certification of medical necessity. The subscriber's treating physician or a physician who specializes in the treatment of diabetes certifies that the equipment and services are necessary; and

2. Provision of medical services. The diabetes out-patient self-management training and educational services are provided through ambulatory diabetes education facilities authorized by the State's Diabetes Control Project within the Bureau of Health.

Sec. 2. 24-A MRSA §2754 is enacted to read:

§2754. Coverage for diabetes supplies

All individual health policies and contracts, except accidental injury, specified disease, hospital indemnity, Medicare supplement, long-term care and other limited benefit health insurance policies and contracts, must provide coverage for the medically appropriate and necessary equipment, limited to insulin, oral hypoglycemic agents, monitors, test strips, syringes and lancets, and the out-patient self-

management training and educational services used to treat diabetes, if:

1. Certification of medical necessity. The insured's treating physician or a physician who specializes in the treatment of diabetes certifies that the equipment and services are necessary; and

2. Provision of medical services. The diabetes out-patient self-management training and educational services are provided through ambulatory diabetes education facilities authorized by the State's Diabetes Control Project within the Bureau of Health.

Sec. 3. 24-A MRSA §2847-E is enacted to read:

§2847-E. Coverage for diabetes supplies

All group insurance policies and contracts, except accidental injury, specified disease, hospital indemnity, Medicare supplement, long-term care and other limited benefit health insurance policies and contracts, must provide coverage for the medically appropriate and necessary equipment, limited to insulin, oral hypoglycemic agents, monitors, test strips, syringes and lancets, and the out-patient self-management training and educational services used to treat diabetes, if:

1. Certification of medical necessity. The insured's treating physician or a physician who specializes in the treatment of diabetes certifies that the equipment and services are necessary; and

2. Provision of medical services. The diabetes out-patient self-management training and educational services are provided through ambulatory diabetes education facilities authorized by the State's Diabetes Control Project within the Bureau of Health.

Sec. 4. 24-A MRSA §4240 is enacted to read:

§4240. Coverage for diabetes supplies

All health maintenance organization individual and group health contracts must provide coverage for the medically appropriate and necessary equipment, limited to insulin, oral hypoglycemic agents, monitors, test strips, syringes and lancets, and the out-patient self-management training and educational services used to treat diabetes, if:

1. Certification of medical necessity. The enrollee's treating physician or a physician who specializes in the treatment of diabetes certifies that the equipment and services are necessary; and

2. Provision of medical services. The diabetes out-patient self-management training and educational services are provided through ambulatory diabetes

education facilities authorized by the State's Diabetes Control Project within the Bureau of Health.

Sec. 5. Applicability. This Act applies to all policies and contracts executed, delivered, issued for delivery, continued or renewed on or after the effective date of this Act. All policies and contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

CHAPTER 593

S.P. 628 - L.D. 1635

**An Act to Amend the Law
Concerning Tobacco Use by
Juveniles**

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

Sec. 1. 22 MRSA §1553, sub-§4, ¶A, as enacted by PL 1995, c. 470, §9 and affected by §19, is amended to read:

A. The sale or transfer of stock of a corporate licensee whose stock is not publicly traded that results in the sale or transfer of more than 10% of the shares of stock of the corporate licensee;

Sec. 2. 22 MRSA §1553, sub-§4, ¶A-1 is enacted to read:

A-1. The sale or transfer of stock of a corporate licensee whose stock is publicly traded that results in the sale or transfer of more than 51% of the voting shares of the corporate licensee;

Sec. 3. 22 MRSA §1555, sub-§1, ¶B, as enacted by PL 1995, c. 470, §9 and affected by §19, is amended to read:

B. It is an affirmative defense to prosecution under this subsection that the defendant sold or distributed cigarettes, cigarette paper or any other tobacco product to a person under 18 years of age who furnished fraudulent proof of age.

Sec. 4. 22 MRSA §1556-A, sub-§2, as enacted by PL 1995, c. 470, §9 and affected by §19, is repealed and the following enacted in its place:

2. Enforcement; jurisdiction. Enforcement of criminal offenses may be carried out by written summons pursuant to Title 17-A filed in the District Court. Enforcement of civil violations set forth in section 1555, subsection 2 may be carried out by complaint filed in District Court. All other civil

violations under this chapter are within the jurisdiction of the Administrative Court pursuant to section 1557, subsection 1.

Sec. 5. 22 MRSA §1556-A, sub-§3, as enacted by PL 1995, c. 470, §9 and affected by §19, is repealed.

Sec. 6. 22 MRSA §1557, sub-§3 is enacted to read:

3. Injunction. If the person licensed to sell tobacco products has engaged in or is about to engage in any act or practice that violates this chapter, the Administrative Court may grant a permanent or temporary injunction, restraining order or other order as appropriate.

See title page for effective date.

CHAPTER 594

S.P. 688 - L.D. 1757

**An Act to Clarify and Amend
Provisions of the Workers'
Compensation Act Relating to
Workers' Compensation Self-
insurance**

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

Sec. 1. 24-A MRSA §601, sub-§16, ¶A-1 is enacted to read:

A-1. For filing application for authority to self-insure under Title 39-A, section 403, subsection 16, including all documents submitted as part of the application §500.

Sec. 2. 39-A MRSA §403, sub-§5, ¶A, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

A. Any group of employers may adopt a plan for self-insurance, as a group, for the payment of compensation under this Act to their employees. ~~No~~ A group may not be approved to operate a self-insurance plan in the form of a corporation, partnership or limited liability company. Under a group self-insurance plan the group shall assume the liability of all the employers within the group and pay all compensation for which the employers are liable under this chapter. When the plan is adopted, the group shall furnish satisfactory proof to the Superintendent of Insurance of its financial ability to pay ~~such~~ the compensation for the employers in the group and its revenues, their source and assurance of