

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BANKING AND INSURANCE

MAY 1998

MEMBERS:

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....House & Senate disagree; bill died
DIED IN CONCURRENCE.....One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....Action incomplete when session ended; bill died
EMERGENCY.....Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....Bill imposing local mandate failed to get 2/3 vote
INDEF PP.....Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED.....Bill held by Governor
VETO SUSTAINED.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

Committee Amendment “A” (H-820) retitled and replaced the bill. It proposed to establish the Consumer Health Care Division within the Bureau of Insurance for the purpose of providing education to consumers regarding health care plans and assistance to consumers in understanding their rights and responsibilities under health care plans. It creates the position of Director of the Consumer Health Care Division to head the division.

The amendment also proposed to establish the Consumer Health Care Division Advisory Council to advise the division in the exercise of the division's duties concerning the rights of consumers of health care services.

The amendment also removed the emergency preamble and emergency clause and added an allocation section and fiscal note to the bill.

House Amendment “A” to Committee Amendment “A” (H-874) proposed to require that the President of the Senate and the Speaker of the House each appoint one member of the joint standing committee having jurisdiction over insurance matters to the Consumer Health Care Division Advisory Council, instead of requiring joint appointment of one member of the joint standing committee having jurisdiction over insurance matters, as was required in Committee Amendment “A”.

The amendment also proposed to give those members of the council who are Legislators legislative per diem. House Amendment “A” was not adopted.

House Amendment “B” to Committee Amendment “A” (H-886) proposed to require that the President of the Senate and the Speaker of the House each appoint one member of the joint standing committee of the Legislature having jurisdiction over insurance matters to the Consumer Health Care Division Advisory Council, instead of requiring joint appointment of one member of the joint standing committee having jurisdiction over insurance matters, as was required in Committee Amendment "A."

The amendment also proposed to give those members of the council who are Legislators legislative per diem and to specify that the per diem would be paid by the Legislature.

Enacted law summary

Public Law 1997, chapter 792 establishes the Consumer Health Care Division within the Bureau of Insurance. The Division, headed by a director, will provide education and assistance to consumers regarding health care plans. The law also creates the Consumer Health Care Division Advisory Council to advise the division in the exercise of the division’s duties concerning the rights of consumers of health care services.

LD 1857

An Act to Protect Patients of Managed Care Plans

ONTP

Sponsor(s)
BROOKS

Committee Report
ONTP

Amendments Adopted

LD 1857 was carried over from the First Regular Session and First Special Session and proposed to establish a duty and standard of ordinary care that must be provided by an insurance company, health maintenance organization, preferred provider organization or a nonprofit hospital and medical service organization under a managed health care plan. It also proposed to authorize a person enrolled in a managed health care plan to bring a legal action for damages against a carrier if the person is harmed by a carrier's failure to exercise ordinary care.