

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Insurance and Financial Services*

July 2003

Members:

Sen. Lloyd P. LaFountain III, Chair

Sen. Neria R. Douglass

Sen. Arthur F. Mayo III

Rep. Christopher P. O'Neil, Chair

Rep. Marilyn E. Canavan

Rep. Joseph C. Perry

Rep. Bonita J. Breault

Rep. Anne C. Perry

Rep. Kevin J. Glynn

Rep. Florence T. Young

Rep. Lois A. Snowe-Mello

Rep. Michael A. Vaughan

Rep. Richard G. Woodbury

Staff:

Colleen McCarthy Reid, Legislative Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670

Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. 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 considered by the committees. It is arranged alphabetically by committee name 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:

<i>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Insurance and Financial Services

LD 566

An Act to Ensure Equality in Mental Health Coverage

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY DAGGETT	ONTP	

LD 566 proposed to require parity coverage for mental illnesses for all health benefit plans covering groups of 21 or more. The bill expands the coverage of mental illness to include 11 categories of mental illness as defined in the Diagnostic and Statistical Manual of Mental Disorders, as periodically revised, and allows that coverage to be delivered as a carve out under a managed care system. The bill would require coverage for residential treatment services and home support services. The provisions apply to all policies and contracts issued or renewed on or after the effective date of this bill. The bill makes no change to the mandated offer of parity requirement for individual plans and group plans covering fewer than 20 persons under current law.

The substantive provisions contained in LD 566 were incorporated into the Part I budget bill and enacted as Part VV of Public Law 2003, chapter 20. The requirements apply to all policies and contracts covering groups of 21 or more issued or renewed on or after October 1, 2003.

LD 612

An Act To Prevent Health Insurance Fraud

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO CRAVEN	ONTP MAJ OTP MIN	

LD 612 proposed to require written receipts for prosthetic equipment for reimbursement by health carriers beginning January 1, 2004. It provides for rulemaking by the Superintendent of Insurance.

LD 614

An Act To Provide Parity in Lending by State-chartered Financial Institutions

PUBLIC 263

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO O'NEIL	OTP-AM	S-82 H-246 O'NEIL

LD 614 is intended to update Maine's lending laws in order to make Maine chartered institutions more competitive with nationally chartered institutions.

The bill proposed to give Maine lenders the same ability as out-of-state or national bank lenders to assess reasonable prepayment charges on adjustable-rate mortgages. The bill allows state-chartered banks and credit unions to adjust interest rates on escrow accounts as they are permitted to do on savings or share accounts, while maintaining a fair rate for consumers. The bill expands the authority of the Superintendent of Financial Institutions to waive an aspect of the loans-to-one-borrower rules for well-capitalized institutions.

Joint Standing Committee on Insurance and Financial Services

Committee Amendment "A" (S-82) proposed to replace the bill. The amendment proposed to permit state-chartered financial institutions and mortgage companies to assess prepayment charges on mortgage loans except for high-rate, high-fee mortgages. The amendment also requires the Office of Consumer Credit Regulation and Bureau of Financial Institutions to jointly adopt rules related to the ability of supervised financial organizations to assess prepayment charges.

The amendment proposed to permit state-chartered financial institutions to adjust interest rates on escrow accounts required by law. The rate may not be less than 50% of the one-year Treasury Bill interest rate. Under current law, the interest rate may not be less than 3%.

The amendment removes section 3 of the bill related to the waiver of the loans-to-one borrower rules for well-capitalized institutions.

House Amendment "B" to Committee Amendment "A" (H-246) proposed to correct a reference to a federal interest rate. This change, which allows interest rates on escrow accounts to be adjusted, applies to both state-chartered financial institutions and mortgage companies, unlike the other changes made by Committee Amendment A relating to prepayment charges on mortgage loans, which, contrary to the summary on the committee amendment, apply only to state-chartered financial institutions and not to mortgage companies.

House Amendment "A" to Committee Amendment "A" (H-231) proposed to correct a reference to a federal interest rate. House Amendment "A" was not adopted.

Enacted Law Summary

Public Law 2003, chapter 263 permits state-chartered financial institutions and mortgage companies to assess prepayment charges on mortgage loans, except for high-rate, high-fee mortgages, and requires the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation and Bureau of Financial Institutions to jointly adopt rules related to the ability of supervised financial organizations to assess prepayment charges.

The law also permits state-chartered financial institutions to adjust interest rates on escrow accounts. The rate may not be less than 50% of the one-year Treasury Bill interest rate.

LD 615

An Act To Protect Citizen Privacy

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS THOMAS	ONTP	

LD 615 proposed to prohibit consumer reporting agencies from releasing information about a consumer in connection with any credit or insurance transaction without the consent of the consumer.