

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON INSURANCE AND
FINANCIAL SERVICES**

May 2014

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER.....carried over to a subsequent session of the Legislature
CON RES XXX chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSESHouse & Senate disagreed; legislation died
DIED IN CONCURRENCE defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT action incomplete when session ended; legislation died
EMERGENCYenacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE.....emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT.....legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW.....sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY.....ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX chapter # of enacted public Law
RESOLVE XXX chapter # of finally passed resolve
VETO SUSTAINED.....Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 126th Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Insurance and Financial Services

The amendment requires the MaineCare program and health insurance carriers to provide coverage for care coordination and assertive community treatment services for eligible persons who are 26 years of age or under who meet the criteria for a psychiatric diagnosis and experience significant impairment in function as determined by a licensed mental health provider. The amendment adds a definition of "assertive community treatment services." The requirements imposed on health insurance carriers apply to individual, group health and group health maintenance organization insurance policies, contracts, and certificates issued or renewed on or after January 1, 2015. The amendment specifies the scope and length of coverage for eligible persons based on age rather than referring to persons who have graduated from high school as in the bill. The amendment also more specifically describes the types of services required to be covered.

The amendment also requires the Department of Health and Human Services to require providers of mental and behavioral health services for children to establish or participate in so-called bridge teams for the purpose of ensuring continuity of care for students receiving mental and behavioral health services who graduate from high school and are likely to be in need of such services following graduation.

Senate Amendment "A" To Committee Amendment "A" (S-553)

This amendment replaces Committee Amendment "A" and makes the bill a resolve. The amendment requires the Department of Health and Human Services to apply for federal grants that might be available from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration under the "Now is the Time" Healthy Transitions: Improving Life Trajectories for Youth and Young Adults with, or at Risk for, Serious Mental Health Conditions grant program to provide services and supports to address serious mental health conditions, co-occurring disorders and the risks for developing serious mental health conditions among youth 16 to 26 years of age. The amendment requires the department to apply for grant money no later than June 1, 2014.

LD 1512 An Act To Increase Funding for Start-ups

**PUBLIC 452
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| ALFOND | OTP-AM | S-382 |

This bill was carried over from the First Regular Session of the 126th Legislature.

The purpose of this bill is to promote and encourage the growth of Maine small businesses by facilitating the ability of a business to raise capital by selling small amounts of equity to a wider pool of small investors with fewer restrictions.

The bill exempts from existing restrictions regarding registration and advertising an issuer transaction or sale if the issuer transaction or sale meets certain conditions, including:

1. The issuer of the security must be a business entity formed and registered under Maine law;
2. The purchasers of the securities must be Maine residents;
3. The size of the offering may not exceed \$1,000,000 if the issuer has not undergone, and provided documentation from, a financial audit in the previous year;
4. The size of the offering may not exceed \$2,000,000 if the issuer has undergone, and provided documentation from, a financial audit in the previous year;
5. The issuer may not accept more than \$2,000 from any single purchaser unless the purchaser is an accredited

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investor under rules adopted by the federal Securities and Exchange Commission; and

6. The issuer requires from all purchasers a written acknowledgement that the purchaser assumes the risks associated with the investment.

Committee Amendment "A" (S-382)

This amendment replaces the bill and adds an emergency preamble and emergency clause. Like the bill, the purpose of the amendment is to promote and encourage the growth of Maine small businesses by facilitating the ability of a business to raise capital by selling small amounts of securities to a wider pool of small investors with fewer restrictions.

This amendment provides for a streamlined registration process and simplified registration statement if the issuer and the offering meet certain conditions, including:

1. The issuer of the security is a business entity formed and registered under Maine law with its principal place of business in Maine;
2. The dollar amount of the securities sold by an issuer during any 12-month period does not exceed \$1,000,000;
3. The dollar amount of securities sold to any single investor does not exceed \$5,000 unless the investor is an accredited investor as defined in regulations adopted by the federal Securities and Exchange Commission;
4. The offering meets the requirements for a federal exemption from registration for small offerings as set forth in regulations adopted by the federal Securities and Exchange Commission;
5. The issuer files with the administrator and provides to investors and prospective investors an offering document meeting the requirements of state law and any rules adopted or orders issued by the administrator; and
6. The issuer sets aside in a separate bank account funds received from investors until such time as the minimum offering amount is reached. If the minimum offering amount is not met within one year of the effective date of the offering, the issuer must return all funds to investors.

Enacted Law Summary

Public Law 2013, chapter 452 provides for a streamlined registration process and simplified registration statement if the issuer and the offering meet certain conditions, including:

1. The issuer of the security is a business entity formed and registered under Maine law with its principal place of business in Maine;
2. The dollar amount of the securities sold by an issuer during any 12-month period does not exceed \$1,000,000;
3. The dollar amount of securities sold to any single investor does not exceed \$5,000 unless the investor is an accredited investor as defined in regulations adopted by the federal Securities and Exchange Commission;
4. The offering meets the requirements for a federal exemption from registration for small offerings as set forth in regulations adopted by the federal Securities and Exchange Commission;
5. The issuer files with the administrator and provides to investors and prospective investors an offering document meeting the requirements of state law and any rules adopted or orders issued by the administrator; and
6. The issuer sets aside in a separate bank account funds received from investors until such time as the minimum offering amount is reached. If the minimum offering amount is not met within one year of the effective date of the

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offering, the issuer must return all funds to investors.

Public Law 2013, chapter 452 was enacted as an emergency measure effective March 2, 2014.

**LD 1600 An Act To Require Health Insurers To Provide Coverage for Human
Leukocyte Antigen Testing To Establish Bone Marrow Donor
Transplantation Suitability**

PUBLIC 603

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|--------------------------|---------------------------|
| RANKIN LANGLEY | OTP-AM ONTP OTP-AM | H-755 |

This bill requires health insurance coverage for laboratory fees up to \$150 arising from human leukocyte antigen testing performed to establish bone marrow transplantation suitability.

Committee Amendment "A" (H-755)

This amendment is the majority report of the committee and replaces the bill.

The amendment requires carriers offering health plans in this State to provide coverage for laboratory fees up to \$150 arising from human leukocyte antigen testing performed to establish bone marrow transplantation suitability, and prohibits carriers from imposing any cost-sharing requirement on enrollees for the test. The amendment specifies that enrollees in a health plan must meet the criteria for testing established by the National Marrow Donor Program and sign an informed consent form at the time of testing along with an acknowledgment that the enrollee is willing to be a donor if a suitable match is found. Testing is limited to once per lifetime.

The amendment applies to all health plan policies and contracts issued or renewed on or after January 1, 2015.

Committee Amendment "B" (H-756)

This amendment is a minority report of the committee and replaces the bill.

The amendment requires carriers offering health plans in this State to provide coverage for laboratory fees up to \$150 arising from human leukocyte antigen testing performed to establish bone marrow transplantation suitability, and prohibits carriers from imposing any cost-sharing requirement on enrollees for the test. The amendment specifies that enrollees in a health plan must meet the criteria for testing established by the National Marrow Donor Program and sign an informed consent form at the time of testing along with an acknowledgment that the enrollee is willing to be a donor if a suitable match is found. Testing is limited to once per lifetime. Unlike the majority report, this amendment limits the scope of coverage to immediate family members and donor drives conducted for a specified individual donee.

The amendment applies to all health plan policies and contracts issued or renewed on or after January 1, 2015.

Enacted Law Summary

Public Law 2013, chapter 603 requires carriers offering health plans in this State to provide coverage for laboratory fees up to \$150 arising from human leukocyte antigen testing performed to establish bone marrow transplantation suitability, and prohibits carriers from imposing any cost-sharing requirement on enrollees for the test. The law specifies that enrollees in a health plan must meet the criteria for testing established by the National Marrow Donor Program and sign an informed consent form at the time of testing along with an acknowledgment that the enrollee is willing to be a donor if a suitable match is found. Testing is limited to once per lifetime.

The law applies to all health plan policies and contracts issued or renewed on or after January 1, 2015.