

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1703

H.P. 1256

House of Representatives, March 20, 2001

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**An Act to Ensure Access to Health Insurance.**

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Reference to the Committee on Banking and Insurance suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DUDLEY of Portland.  
Cosponsored by Senator ABROMSON of Cumberland and  
Representatives: BRUNO of Raymond, O'NEIL of Saco, Speaker SAXL of Portland,  
SULLIVAN of Biddeford, Senators: DOUGLASS of Androscoggin, LaFOUNTAIN of York,  
President MICHAUD of Penobscot.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 24 MRSA §2319-A is enacted to read:**

6 **§2319-A. Domestic partner benefits**

8 **1. Definition.** As used in this section, unless the context  
otherwise indicates, "domestic partner" means the partner of a  
subscriber or member who:

10 A. Is an adult as is the subscriber or member;

12 B. Has been legally domiciled with the subscriber or member  
for at least 6 months;

14 C. Is not legally married to another individual; and

16 D. Is jointly responsible with the subscriber or member for  
each other's common welfare as evidenced by joint living  
arrangements, joint financial arrangements or joint  
ownership of real or personal property.

18 **2. Domestic partner benefits.** All individual or group  
contracts issued by any nonprofit hospital or medical service  
organization operating pursuant to this chapter must provide to  
unmarried subscribers or members the option for additional  
benefits for the domestic partner of the subscriber or member, at  
appropriate rates and under the same terms and conditions as  
those benefits or options for benefits are provided to spouses of  
married subscribers or members.

20 **3. Financial dependency.** Financial dependency of a  
domestic partner on the subscriber or member may not be required  
as a condition for eligibility for coverage.

22 **4. Evidence of domestic partnership.** As a condition of  
eligibility for coverage, a subscriber or member and the  
subscriber's or member's domestic partner may be required to show  
documentation of joint ownership or occupancy of real property,  
such as a joint deed, joint mortgage or joint lease, or the  
existence of a joint credit card, joint bank account or powers of  
attorney in which each domestic partner is authorized to act for  
the other.

24 **5. Preexisting conditions.** A domestic partner is subject  
to the same provisions on coverage of preexisting conditions as  
any spouse or dependent of a subscriber or member.

26 **Sec. 2. 24-A MRSA §2741-A is enacted to read:**

2  
3 §2741-A. Domestic partner benefits

4 1. Definition. As used in this section, unless the context  
5 otherwise indicates, "domestic partner" means the partner of a  
6 policyholder who:

7 A. Is an adult as is the policyholder;

8  
9 B. Has been legally domiciled with the policyholder for at  
10 least 6 months;

11 C. Is not legally married to another individual; and

12  
13 E. Is jointly responsible with the policyholder for each  
14 other's common welfare as evidenced by joint living  
15 arrangements, joint financial arrangements or joint  
16 ownership of real or personal property.

17  
18 2. Domestic partner benefits. All individual health  
19 insurance policies or contracts issued by any insurer operating  
20 pursuant to this chapter must provide to unmarried policyholders  
21 the option for additional benefits for the domestic partner of  
22 the policyholder, at appropriate rates and under the same terms  
23 and conditions as those benefits or options for benefits are  
24 provided to spouses of married policyholders.

25  
26 3. Financial dependency. Financial dependency of a  
27 domestic partner on the policyholder may not be required as a  
28 condition for eligibility for coverage.

29  
30 4. Evidence of domestic partnership. As a condition of  
31 eligibility for coverage, a policyholder and the policyholder's  
32 domestic partner may be required to show documentation of joint  
33 ownership or occupancy of real property, such as a joint deed,  
34 joint mortgage or a joint lease, or the existence of a joint  
35 credit card, joint bank account or powers of attorney in which  
36 each domestic partner is authorized to act for the other.

37  
38 5. Preexisting conditions. A domestic partner is subject  
39 to the same provisions on coverage of preexisting conditions as  
40 any spouse or dependent of a policyholder.

41  
42 **Sec. 3. 24-A MRSA §2832-A is enacted to read:**

43 §2832-A. Domestic partner benefits

44  
45 1. Definition. As used in this section, unless the context  
46 otherwise indicates, "domestic partner" means the partner of a  
47 certificate holder who:

2           A. Is an adult as is the certificate holder;

4           B. Has been legally domiciled with the certificate holder  
for at least 6 months;

6           C. Is not legally married to another individual; and

8           E. Is jointly responsible with the certificate holder for  
each other's common welfare as evidenced by joint living  
10           arrangements, joint financial arrangements or joint  
ownership of real or personal property.

12           2. Domestic partner benefits. All group or blanket health  
14           insurance policies or contracts issued by any insurer operating  
pursuant to this chapter must provide to unmarried certificate  
16           holders the option for additional benefits for the domestic  
partner of the certificate holder, at appropriate rates and under  
18           the same terms and conditions as those benefits or options for  
benefits are provided to spouses of married certificate holders.

20           3. Financial dependency. Financial dependency of a  
22           domestic partner on the certificate holder may not be required as  
a condition for eligibility for coverage.

24           4. Evidence of domestic partnership. As a condition of  
26           eligibility for coverage, a certificate holder and the  
certificate holder's domestic partner may be required to show  
28           documentation of joint ownership or occupancy of real property,  
such as a joint deed, joint mortgage or a joint lease, or the  
30           existence of a joint credit card, joint bank account or powers of  
attorney in which each domestic partner is authorized to act for  
32           the other.

34           5. Preexisting conditions. A domestic partner is subject  
to the same provisions on coverage of preexisting conditions as  
36           any spouse or dependent of a certificate holder.

38           Sec. 4. 24-A MRS §4249 is enacted to read:

40           1. Definition. As used in this section, unless the context  
otherwise indicates, "domestic partner" means the partner of an  
42           enrollee or member who:

44           A. Is an adult as is the enrollee or member;

46           B. Has been legally domiciled with the enrollee or member  
for at least 6 months;

48           D. Is not legally married to another individual;

50

2           E. Is jointly responsible with the enrollee or member for  
3           each other's common welfare as evidenced by joint living  
4           arrangements, joint financial arrangements or joint  
5           ownership of real or personal property.

6           2. Domestic partner benefits. All individual or group  
7           policies or contracts issued by any health maintenance  
8           organization operating pursuant to this chapter must provide to  
9           unmarried enrollees or members the option for additional benefits  
10           for the domestic partner of the enrollee or member, at  
11           appropriate rates and under the same terms and conditions as  
12           those benefits or options for benefits are provided to spouses of  
13           married enrollees or members.

14           3. Financial dependency. Financial dependency of a  
15           domestic partner on the enrollee or member may not be required as  
16           a condition for eligibility for coverage.

17           4. Evidence of domestic partnership. As a condition of  
18           eligibility for coverage, an enrollee or member and the  
19           enrollee's or member's domestic partner may be required to show  
20           documentation of joint ownership or occupancy of real property,  
21           such as a joint deed, joint mortgage or a joint lease, or the  
22           existence of a joint credit card, joint bank account or powers of  
23           attorney in which each domestic partner is authorized to act for  
24           the other.

25           5. Preexisting conditions. A domestic partner is subject  
26           to the same provisions on coverage of preexisting conditions as  
27           any spouse or dependent of an enrollee or member.

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## SUMMARY

35           This bill requires health carriers to offer policies  
36           providing coverage for domestic partners of health plan members  
37           under the same terms and conditions as coverage for spouses of  
38           health plan members. A domestic partner is defined as a person  
39           who is legally domiciled in the health plan member's household  
40           and who is not legally married to another individual.