

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1734

H.P. 1242

House of Representatives, January 3, 2006

An Act To Increase Accessibility to Health Insurance

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GLYNN of South Portland.

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

2
4 **Sec. 1. 24-A MRSA §2736-C, sub-§1, ¶C-1**, as amended by PL 1999, c. 256, Pt. C, §1, is further amended to read:

6 C-1. "Legally domiciled" means a person who lives in this State and who satisfies 3 of the following 4 criteria: has a
8 motor vehicle operator's license from this State, is registered to vote in this State, has a permanent dwelling
10 place in this State or files an income tax return for this State that declares the person is a Maine resident. A
12 person may establish that that person is "legally domiciled" in this State by providing evidence of other relevant
14 criteria associated with residency. A child is legally domiciled in this State if at least one of the child's
16 parents or the child's legal guardian is legally domiciled in this State. A person with a developmental or other
18 disability that prevents that person from obtaining a motor vehicle operator's license, registering to vote or filing an
20 income tax return is legally domiciled in this State by living in this State. An alien lawfully admitted to the
22 United States with a resident visa and living in this State is legally domiciled in this State.

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26 **Sec. 2. 24-A MRSA §2736-C, sub-§3, ¶A**, as corrected by RR 2001, c. 1, §30, is amended to read:

28 A. Coverage must be guaranteed to all residents of this State other than those eligible without paying a premium for
30 Medicare Part A. ~~On or after January 1, 1998, coverage~~ Coverage must be guaranteed to all legally domiciled
32 ~~state-eligible individuals and to all~~ legally domiciled federally eligible individuals, as defined in section 2848,
34 regardless of the length of time they have been legally domiciled in this State. Except for federally eligible
36 individuals, coverage need not be issued to an individual whose coverage was terminated for nonpayment of premiums
38 during the previous 91 days or for fraud or intentional misrepresentation of material fact during the previous 12
40 months. When a managed care plan, as defined by section 4301-A, provides coverage a carrier may:

42 (1) Deny coverage to individuals who neither live nor
44 reside within the approved service area of the plan for at least 6 months of each year; and

46 (2) Deny coverage to individuals if the carrier has
48 demonstrated to the superintendent's satisfaction that:

2 (a) The carrier does not have the capacity to
3 deliver services adequately to additional
4 enrollees within all or a designated part of its
5 service area because of its obligations to
6 existing enrollees; and

7 (b) The carrier is applying this provision
8 uniformly to individuals and groups without regard
9 to any health-related factor.

10 A carrier that denies coverage in accordance with this
11 paragraph may not enroll individuals residing within
12 the area subject to denial of coverage or groups or
13 subgroups within that area for a period of 180 days
14 after the date of the first denial of coverage.

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17 **SUMMARY**

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19 This bill extends the eligibility for health insurance
20 coverage to include a person who is not yet a United States
21 citizen, but who is living legally in this country.
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