

MAINE STATE LEGISLATURE

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Legislative Document

No. 416

H.P. 332

House of Representatives, January 29, 2007

An Act To Protect Seniors and the Public from Unfair Health Insurance Sales Practices

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TREAT of Farmingdale.
Cosponsored by Senator SCHNEIDER of Penobscot and
Representative: CANAVAN of Waterville.

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

2 **Sec. 1. 24-A MRS §2152-B** is enacted to read:

3 **§2152-B. Unfair methods; health insurance solicitation**

4 It is an unfair trade practice under this chapter for an insurer or producer to sell,
5 solicit or negotiate the purchase of health insurance in this State by any of the following
6 methods:

7 **1. Cold lead advertising.** Cold lead advertising. As used in this section, "cold lead
8 advertising" means making use directly or indirectly of a method of marketing that fails
9 to disclose in a conspicuous manner that a purpose of the marketing is insurance sales
10 solicitation and that contact will be made by an insurance producer or insurance
11 company; and

12 **2. Medicare appointment.** Using an appointment that was made to discuss
13 Medicare products or to solicit the sale of Medicare products in order to solicit sales of
14 other insurance products unless the consumer specifically agrees in advance of the
15 appointment to discuss other types of insurance products during the same appointment.
16 As used in this subsection, "Medicare products" includes Medicare Part A, Medicare Part
17 B, Medicare Part C, Medicare Part D and Medicare supplement plans.

18

SUMMARY

19 This bill expressly defines certain marketing practices as unfair trade practices when
20 used to market health insurance products.