

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

---

Legislative Document

No. 123

S.P. 45

January 15, 2009

### An Act Regarding the Electronic Submission of Filings

---

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.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BOWMAN of York.  
Cosponsored by Representative RICHARDSON of Warren and  
Representatives: BECK of Waterville, GOODE of Bangor.

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

2 **Sec. 1. 24-A MRSA §2304-A, sub-§1**, as amended by PL 2007, c. 188, Pt. B, §1,  
3 is further amended to read:

4 1. Every insurer shall file with the superintendent, except as to inland marine risks,  
5 which by general custom of the business are not written according to manual rates or  
6 rating plans, every manual rate, minimum premium, class rate, rating schedule or rating  
7 plan and every other rating rule, and every modification of any of the foregoing that it  
8 proposes to use. The filing must state the effective date of the filing and indicate the  
9 character and extent of the coverage contemplated. The filing must be made not less than  
10 30 days in advance of the stated effective date unless that 30-day requirement is waived  
11 by the superintendent. ~~The effective date may be suspended by the superintendent for a~~  
12 ~~period of time not to exceed 60 days, except that the effective date for filings made~~  
13 ~~electronically may not be suspended. Filings made electronically must be acted~~ The  
14 superintendent shall act on a filing no later than 30 days from receipt unless an extension  
15 is requested by the filer. A filing required under this section must be made electronically  
16 in a format required by the superintendent unless exempted by rule adopted by the  
17 superintendent. Rules adopted pursuant to this subsection are routine technical rules as  
18 defined in Title 5, chapter 375, subchapter 2-A.

19 **Sec. 2. 24-A MRSA §2382-C, sub-§2**, as enacted by PL 1991, c. 885, Pt. B, §12  
20 and affected by §13, is further amended to read:

21 **2. Form and manner of filing.** Rates filed pursuant to this section must be filed in a  
22 form and manner prescribed by the superintendent. If a filing is not accompanied by the  
23 information the superintendent has required under this section, the superintendent shall  
24 notify the insurer as soon as possible and the filing is deemed as not made until the  
25 information is provided. A filing required under this section must be made electronically  
26 in a format required by the superintendent unless exempted by rule adopted by the  
27 superintendent. Rules adopted pursuant to this subsection are routine technical rules as  
28 defined in Title 5, chapter 375, subchapter 2-A.

29 **Sec. 3. 24-A MRSA §2412, sub-§2**, as amended by PL 2003, c. 671, Pt. A, §2, is  
30 further amended to read:

31 2. Every filing must be made not less than 30 days in advance of any delivery. At  
32 the expiration of the 30 days, the form so filed is deemed approved unless prior thereto it  
33 has been affirmatively approved or disapproved by order of the superintendent. Approval  
34 of the form by the superintendent constitutes a waiver of any unexpired portion of the  
35 waiting period. ~~The superintendent may extend by not more than an additional 30 days~~  
36 ~~the period within which the superintendent may affirmatively approve or disapprove any~~  
37 ~~form, by giving notice to the insurer of the extension before expiration of the initial 30-~~  
38 ~~day period, except that the effective date of a filing made electronically for a coverage~~  
39 ~~under a health, life or annuity product may not be extended. The superintendent shall act~~  
40 on a filing no later than 30 days from receipt unless an extension is requested by the filer.  
41 A filing required under this section must be made electronically in a format required by  
42 the superintendent unless exempted by rule adopted by the superintendent. Rules adopted

1 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,  
2 subchapter 2-A. At the expiration of the period so extended, and in the absence of prior  
3 affirmative approval or disapproval, any form is deemed approved. The superintendent  
4 may at any time, after hearing and for cause shown, withdraw any approval.

5 **Sec. 4. 24-A MRSA §2736, sub-§1**, as amended by PL 2003, c. 428, Pt. F, §2, is  
6 further amended to read:

7 **1. Filing of rate information.** Every insurer shall file with the superintendent every  
8 rate, rating formula, classification of risks and every modification of any formula or  
9 classification that it proposes to use in connection with individual health insurance  
10 policies and certain group policies specified in section 2701. Every such filing must state  
11 the effective date of the filing. Every such filing must be made not less than 60 days in  
12 advance of the stated effective date, unless the 60-day requirement is waived by the  
13 superintendent, and the effective date may be suspended by the superintendent for a  
14 period of time not to exceed 30 days. In the case of a filing that meets the criteria in  
15 subsection 3, the superintendent may suspend the effective date for a longer period not to  
16 exceed 30 days from the date the organization satisfactorily responds to any reasonable  
17 discovery requests. A filing required under this section must be made electronically in a  
18 format required by the superintendent unless exempted by rule adopted by the  
19 superintendent. Rules adopted pursuant to this subsection are routine technical rules as  
20 defined in Title 5, chapter 375, subchapter 2-A.

21 **Sec. 5. 24-A MRSA §2839**, as amended by PL 2003, c. 428, Pt. E, §2, is further  
22 amended to read:

23 **§2839. Rates filed**

24 A policy of group health insurance may not be delivered in this State until a copy of  
25 the group rates to be used in calculating the premium for these policies has been filed for  
26 informational purposes with the superintendent. The filing must include the base rates  
27 and a description of any procedures to be used to adjust the base rates to reflect factors  
28 including but not limited to age, gender, health status, claims experience, group size and  
29 coverage of dependents. Notwithstanding this section, rates for group Medicare  
30 supplement, nursing home care or long-term care insurance contracts and for certain  
31 association groups and other groups specified in section 2701, subsection 2, paragraph C  
32 must be filed in accordance with section 2736. Rates for small group health insurance  
33 subject to section 2808-B are subject to the additional filing requirements specified in that  
34 section. A filing required under this section must be made electronically in a format  
35 required by the superintendent unless exempted by rule adopted by the superintendent.  
36 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,  
37 chapter 375, subchapter 2-A.

38 **Sec. 6. 24-A MRSA §4207, sub-§2**, as amended by PL 1995, c. 332, Pt. O, §3, is  
39 further amended to read:

40 **2.** No evidence of coverage, or amendment thereto, or underlying contract may be  
41 issued or delivered to any person in this State until a copy of the form of the evidence of  
42 coverage, amendment thereto and any underlying contract, has been filed with and

1 approved by the superintendent. A filing required under this section must be made  
2 electronically in a format required by the superintendent unless exempted by rule adopted  
3 the by superintendent. Rules adopted pursuant to this subsection are routine technical  
4 rules as defined in Title 5, chapter 375, subchapter 2-A.

5 **SUMMARY**

6 This bill amends the Maine Insurance Code to require that rate and form filings be  
7 made electronically in a format required by the Superintendent of Insurance.