

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

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PUBLIC LAWS
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STATE OF MAINE
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CHAPTER 558

S. P. 357 — L. D. 1105

AN ACT Relating to Nonprofit Hospital or Medical Service Organizations and Insurance Companies.

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

Sec. 1. 24 MRSA § 2321, sub-§ 1, last sentence, as enacted by PL 1977, c. 493, § 2, is amended to read:

Every such filing shall be made not less than ~~30~~ 60 days in advance of the stated effective date unless such ~~30-day~~ 60-day requirement is waived by the superintendent and the effective date may be suspended by the superintendent for a period of time not to exceed 30 days.

Sec. 2. 24 MRSA § 2321, sub-§ 2, as enacted by PL 1977, c. 493, § 2, is amended to read:

2. Filing information. When a filing is not accompanied by the information upon which the organization supports such filing, ~~and~~ or the superintendent does not have sufficient information to determine whether such filing meets the requirements that the rates shall not be excessive, inadequate or unfairly discriminatory, he shall require the organization to furnish the information upon which it supports the filing. ~~A filing and any supporting information shall be open to public inspection after the filing becomes effective~~ **A filing and supporting information shall be a public record within the meaning of Title 1, section 402, subsection 3 and shall become part of the official record of any hearing held pursuant to section 2322.** For the purpose of determining whether the filing produces rates that are not excessive, inadequate or unfairly discriminatory, the superintendent may employ ~~a competent~~ **actuary consultants, including actuaries** and the reasonable costs of the ~~actuary consultants, including actuaries, which shall include costs of testifying at any hearing held pursuant to section 2322,~~ **actuary consultants, including actuaries, which shall include costs of testifying at any hearing held pursuant to section 2322,** shall be borne by the organization making such filing.

Sec. 3. 24 MRSA § 2322, as last amended by PL 1979, c. 330, § 1, is repealed and the following enacted in its place:

§ 2322. Hearing

If at any time the superintendent has reason to believe that a filing does not meet the requirements that rates shall not be excessive, inadequate or unfairly discriminatory or that the filing violates any of Title 24-A, chapter 23, to the extent it is applicable pursuant to section 2317, he shall cause a hearing to be held.

Hearings held under this section shall conform to the procedural requirement set forth in the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV.

Sec. 3-A. Effective date. Section 3 of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 4. 24 MRSA § 2323, as enacted by PL 1977, c. 493, § 2, is repealed and the following enacted in its place:

§ 2323. Order

The superintendent shall issue his order or decision within 30 days after the close of the hearing. In his order or decision, the superintendent shall either approve or disapprove the rate filing. If he disapproves the rate filing, the superintendent shall establish the date on which the filing is no longer effective, specify the filing he would approve and authorize the organization to submit a new filing in accordance with the terms of his order or decision.

Sec. 5. 24 MRSA §§ 2326 and 2327 are enacted to read:

§ 2326. Appeals from order or decision of the superintendent

Any person whose interests are substantially and directly affected and aggrieved by an order or decision of the superintendent or any party to a hearing held pursuant to section 2322 may appeal therefrom as provided in Title 24-A, section 236.

§ 2327. Group rates

No group health care contract shall be issued by a nonprofit hospital or medical service organization in this State until a copy of the group manual rates to be used in calculating the rates for these contracts have been filed for informational purposes with the superintendent.

Sec. 6. 24-A MRSA § 2736, sub-§ 1, last sentence, as enacted by PL 1977, c. 493, § 3, is amended to read:

Every such filing shall be made not less than ~~30~~ 60 days in advance of the stated effective date unless such ~~30-day~~ 60-day requirement is waived by the superintendent, and the effective date may be suspended by the superintendent for a period of time not to exceed 30 days.

Sec. 7. 24-A MRSA § 2736, sub-§ 2, as enacted by PL 1977, c. 493, § 3, is amended to read:

2. Rate filing; public information. When a filing is not accompanied by the information upon which the insurer supports such filing, ~~and~~ or the superintendent

does not have sufficient information to determine whether such filing meets the requirements that rates shall not be excessive, inadequate or unfairly discriminatory, the superintendent shall require the insurer to furnish the information upon which it supports the filing. ~~A filing and any supporting information shall be open to public inspection after the filing becomes effective~~ **A filing and supporting information shall be a public record within the meaning of Title 1, section 402, subsection 3 and shall become part of the official record of any hearing held pursuant to section 2736-A.**

Sec. 8. 24-A MRSA § 2736-A, as last amended by PL 1979, c. 330, § 2, is repealed and the following enacted in its place:

§ 2736-A. Hearing

If at any time the superintendent has reason to believe that a filing does not meet the requirements that rates shall not be excessive, inadequate or unfairly discriminatory or that the filing violates any of the provisions of chapter 23, he shall cause a hearing to be held.

Hearings held under this section shall conform to the procedural requirements set forth in the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV.

Sec. 8-A. **Effective date.** Section 8 of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 9. 24-A MRSA § 2736-B is enacted to read:

§ 2736-B. Order

The superintendent shall issue his order or decision within 30 days after the close of the hearing. In his order or decision, the superintendent shall either approve or disapprove the rate filing. If he disapproves the rate filing, the superintendent shall establish the date on which the filing is no longer effective, specify the filing he would approve and authorize the insurer to submit a new filing in accordance with the terms of his order or decision.

Sec. 10. 24-A MRSA § 2838 is enacted to read:

§ 2838. Rates filed

No policy of group accident and sickness insurance shall be delivered in this State until a copy of the group manual rates to be used in calculating the premium for these policies have been filed for informational purposes with the superintendent.