

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

1. Coverage required to be made available. Every nonprofit hospital or medical service organization which issues group health care contracts providing coverage for the services of a "physician" or "doctor" to residents of this State shall make available coverage for such services when performed by an optometrist to the extent the services are within the lawful scope of practice of an optometrist licensed to practice in this State, provided that the optometrist performing the services has contracted with the organization under terms and conditions which the organization deems satisfactory to its membership.

2. Contract. The group contract making available coverage for the services referred to in this section shall contain provisions for maximum benefits and coinsurance, and reasonable limitations, deductibles and exclusions.

Sec. 2. 24-A MRSA § 2841 is enacted to read:

§ 2841. Optional coverage for optometric services

1. Coverage required to be made available. Every insurer which issues for delivery in this State group health policies which provide coverage on an expense-incurred basis for the services of a "physician" or "doctor" to residents of this State shall make available to all groups coverage for such services when performed by an optometrist, to the extent the services are within the scope of the practice of an optometrist licensed to practice in this State.

2. Policy. The group or blanket policy making available coverage for the services referred to in this section shall contain provisions for maximum benefits and coinsurance, and reasonable limitations, deductibles and exclusions.

Sec. 3. Application. The requirements of this Act shall apply to all policies or contracts executed, delivered or issued for delivery in this State, after January 1, 1982.

Effective September 18, 1981

CHAPTER 255

S. P. 579 — L. D. 1555

AN ACT to Amend the Maine Human Rights Act.

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

Sec. 1. 5 MRSA § 4613, sub-§ 2, ¶ B, sub-¶ (6), as enacted by PL 1971, c. 501, § 1, is amended to read:

(6) An order to pay in cases of unlawful price discrimination the victim thereof 3 times the amount of any excessive price demanded and paid by reason of such unlawful discrimination; **and**

Sec. 2. 5 MRSA § 4613, sub-§ 2, ¶ B, sub-¶ (7), as enacted by PL 1971, c. 501, § 1, is amended to read:

(7) An order to pay to the complainant civil penal damages not in excess of ~~\$100~~ \$500 in the case of the first order under this Act against the respondent, not in excess of ~~\$250~~ \$1,000 in the case of a 2nd such order against the respondent, and not in excess of ~~\$1,000~~ \$2,000 in the case of a 3rd or subsequent such order against the respondent; **and**

Sec. 3. 5 MRSA § 4614 is enacted to read:

§ 4614. Attorneys' fees and costs

In any civil action under this Act, the court, in its discretion, may allow the prevailing party, other than the commission, reasonable attorneys' fees and costs, and the commission shall be liable for attorneys' fees and costs the same as a private person.

Sec. 4. 5 MRSA § 4622, as amended by PL 1973, c. 347, § 14, is repealed and the following enacted in its place:

§ 4622. Limitations on attorneys' fees and damages; procedures

1. **Limitation.** No attorneys' fees under section 4614 and no civil penal damages under section 4613 may be awarded to a plaintiff in a civil action under this Act unless the plaintiff alleges and establishes that, prior to the filing of the civil action, the plaintiff first filed a complaint with the commission and the commission either:

A. Dismissed the case under section 4612, subsection 2; or

B. Failed, within 90 days after finding reasonable grounds to believe that unlawful discrimination occurred, to enter into a conciliation agreement to which the plaintiff was a party.

2. **Advancement on docket; priority.** If the plaintiff alleges and establishes that the conditions of subsection 1 have been met, the action may also be advanced on the docket and given priority over other civil actions.