

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

§2353. Technical requirements for commercial devices

The specifications, tolerances and other technical requirements for commercial weighing and measuring devices as adopted by the National Conference on Weights and Measures and published in National Bureau of Standards Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices," or published in the National Institute of Standards and Technology Handbook 44, 1990, and supplements thereto or revisions thereof to those publications, shall apply to commercial weighing and measuring devices in the State, except insofar as modified or rejected by regulation.

Sec. 4. 10 MRSA §2628, as enacted by PL 1973, c. 91, §10, is amended to read:

§2628. Conformity to national method of sale regulations

The methods, units, terms and other requirements for the sale of commodities, as adopted by the National Conference on Weights and Measures and published in the National Bureau of Standards, or as published in the National Institute of Standards and Technology, "Model State Method of Sale of Commodities Regulation," and supplements thereto or revisions thereof to those publications, shall apply to the sale of commodities in the State of Maine, except insofar as specifically modified, amended or rejected by a regulation issued by the state sealer.

Sec. 5. 10 MRSA §2629, as enacted by PL 1973, c. 91, §10, is amended to read:

§2629. Conformity to national packaging and labeling regulations

The packaging and labeling requirements for consumer and nonconsumer packages, as adopted by the National Conference on Weights and Measures and published in the National Bureau of Standards, "Model State Packaging and Labeling Regulation," and supplements thereto or revisions thereof, or in publications of the National Institute of Standards and Technology, successor organization to the National Bureau of Standards, or in any supplements or revisions to those publications, shall apply to any package kept for the purpose of sale or offered or exposed for sale in the State of Maine, except insofar as specifically modified, amended or rejected by a regulation issued by the state sealer.

See title page for effective date.

CHAPTER 25

H.P. 173 - L.D. 238

**An Act to Promote Thorough Consideration of
Gubernatorial Appointments**

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

3 MRSA §151, 3rd ¶ from the end, as enacted by PL 1975, c. 771, §11, is amended to read:

The committee shall recommend confirmation or denial by majority vote of committee members present and voting. The vote of the committee shall be taken only upon an affirmative motion to recommend confirmation of the nominee. A tie vote of the committee shall be considered a recommendation of denial. ~~Such~~ The vote shall be taken no later than ~~29~~ 30 days from the date of the Governor's written notice of the nomination to the President of the Senate and the Speaker of the House of Representatives. The committee vote shall be by yeas and nays.

See title page for effective date.

CHAPTER 26

S.P. 42 - L.D. 12

**An Act to Clarify the Law Concerning
the Inclusion of Nursing Home
Benefits in Life Insurance Policies**

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

24-A MRSA §2555 is enacted to read:

§2555. Inclusion of nursing home benefits in life insurance policies

1. In order to offer a life insurance policy providing for acceleration of life insurance or annuity benefits in advance of the time the benefits would otherwise be payable because of confinement to a nursing home or long-term care facility, receipt of home health care or hospice care benefits, diagnosis of terminal illness or for substantially similar reasons, the insurer must have a certificate of authority to transact life or life and health insurance in this State.

2. The superintendent shall promulgate reasonable rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to provide for the full and fair disclosure of information in connection with the sale of the policies referred to in subsection 1, and may include, but are not limited to, definitions, acceptable restrictions on benefit payments, coverage periods and nonforfeiture requirements.

See title page for effective date.

CHAPTER 27

S.P. 67 - L.D. 50

**An Act to Amend the Chapter Applicable to
Medicare Supplement Insurance Policies**

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

Sec. 1. 24-A MRSA §2413, sub-§1, ¶F, as enacted by PL 1981, c. 234, §3, is amended to read:

F. As to Medicare supplement policies or contracts, as defined in chapter 67, if the policy cannot be anticipated, as estimated for the entire period for which rates are to be computed to provide coverage, on the basis of incurred claims experience and earned premiums for that period and in accordance with accepted actuarial principles and practices, to return to policyholders in the form of aggregate benefits provided under the policy at least ~~60%~~ 65% of the aggregate amount of premiums collected in the case of individual policies and at least 75% of the aggregate amount of premiums collected in the case of group policies.

Sec. 2. 24-A MRSA §4207, sub-§9 is enacted to read:

9. A health maintenance organization may issue a Medicare supplement policy. Chapter 67 and any rules adopted pursuant to that chapter shall apply to health maintenance organizations issuing Medicare supplement policies, except when that application is inconsistent with that chapter.

Sec. 3. 24-A MRSA §5002, as enacted by PL 1981, c. 234, §4, is amended by inserting at the beginning a new paragraph to read:

A Medicare supplement policy, contract or certificate in force in the State may not contain benefits that duplicate benefits provided by Medicare.

Sec. 4. 24-A MRSA §5004, as enacted by PL 1981, c. 234, §4, is repealed and the following enacted in its place:

§5004. Medicare supplement policy rates

1. Any Medicare supplement policy or contract is subject to the minimum loss ratio standards of section 2413, subsection 1, paragraph F, as well as any other laws of this State as apply to rate filings with respect to health insurance and nonprofit hospital and medical service organizations and nonprofit health care plan contracts.

2. If a Medicare supplement certificate is to be provided to a resident of this State under a master policy issued for delivery outside this State, the group certificate shall be filed with the superintendent at least 60 days prior to any solicitation in this State, along with sufficient information concerning the nature of the group, to permit the superintendent to make the determinations required by section 2412.

3. An insurer, nonprofit hospital and medical service organization or nonprofit health care plan may not provide compensation to its agents or other producers which is greater than the renewal compensation which would have

been paid on an existing policy if the existing policy is replaced by another policy with the same company where the new policy benefits are substantially similar to the benefits under the old policy and the old policy was issued by the same insurer or insurer group.

Sec. 5. 24-A MRSA §5007, as enacted by PL 1981, c. 605, is amended to read:

§5007. Examination and return of Medicare supplement policies

~~Medicare supplement policies or certificates, other than those issued pursuant to direct response solicitation, shall have a notice prominently printed on the first page of the policy or certificate or attached thereto, stating in substance that the applicant shall have the right to return the policy or certificate within ~~40~~ 30 days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the applicant is not satisfied for any reason. Medicare supplement policies or certificates issued pursuant to a direct response solicitation to persons eligible for Medicare by reason of age shall have a notice prominently printed on the first page or attached thereto, stating in substance that the applicant shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination, the applicant is not satisfied for any reason.~~

Sec. 6. 24-A MRSA §§5008 and 5009 are enacted to read:

§5008. Minimum standards for benefits and claims payment

The superintendent may issue rules to establish minimum standards for benefits and claims payment under Medicare supplement policies.

§5009. Filing requirements for advertising

Every insurer, nonprofit hospital and medical service organization or nonprofit health care plan providing Medicare supplement insurance or benefits in this State shall provide a copy of any Medicare supplement advertisement intended for use in this State, whether through written, radio or television medium, to the superintendent for review at least 30 days prior to the date the advertisement will be used in this State.

See title page for effective date.

CHAPTER 28

S.P. 94 - L.D. 99

An Act to Provide a Sales Tax Exemption for Materials Purchased by Certain Religious Institutions