

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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**Sec. 4. 24-A MRSA §5004**, as enacted by PL 1981, c. 234, §4, is repealed and the following enacted in its place: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

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**CHAPTER 28**

**S.P. 94 - L.D. 99**

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

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

36 MRSA §1760, sub-§65 is enacted to read:

65. Sales to monasteries and convents. Sales of items for use in the operation and maintenance of an incorporated nonprofit monastery or convent. For the purpose of this subsection, "monastery" and "convent" means the dwelling place of a community of religious persons.

See title page for effective date.

## CHAPTER 29

H.P. 79 - L.D. 110

### An Act to Clarify the Blueberry Tax Laws

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

Sec. 1. 36 MRSA §4302, sub-§2 is amended to read:

2. Processor. "Processor" ~~shall mean~~ means any person, firm, partnership, association or corporation engaged in the fresh packing, canning, freezing or dehydrating of blueberries whether as owner, agent or otherwise.

Sec. 2. 36 MRSA §4303, as amended by PL 1983, c. 836, §3, is further amended to read:

#### §4303. Rate of tax

There is levied and imposed a tax at the rate of 1/2¢ per pound of fresh fruit on all fresh blueberries grown, purchased, sold, handled or processed in this State. The tax shall be computed on a fresh fruit basis, regardless of how the blueberries are processed.

Sec. 3. 36 MRSA §4303-A, as amended by PL 1983, c. 836, §4, is further amended to read:

#### §4303-A. Additional tax

There is levied and imposed an additional tax at the rate of 1/2¢ per pound of fresh fruit on all fresh blueberries grown, purchased, sold, handled or processed in this State. The tax shall be computed on a fresh fruit basis, regardless of how the berries are processed, and shall be neither deducted from the purchase price nor collected from the seller under section 4306.

Sec. 4. 36 MRSA §4312-A, as amended by PL 1977, c. 533, §7, is repealed.

See title page for effective date.

## CHAPTER 30

H.P. 122 - L.D. 159

### An Act to Increase the Membership of the Emergency Enhanced 9-1-1 Telephone Advisory Committee

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 25, section 2925, establishes an E-9-1-1 Advisory Committee to advise and assist the Department of Public Safety in the development of a statewide enhanced 9-1-1 emergency telephone system; and

Whereas, emergency medical systems are an integral part of the public safety network within the State; and

Whereas, representation by the emergency medical services community on the E-9-1-1 Advisory Committee would be beneficial to the work of that committee; and

Whereas, Title 25, section 2925 does not now specifically provide for the representation of the emergency medical services profession on the E-9-1-1 Advisory Committee; and

Whereas, the work of the E-9-1-1 Advisory Committee was due to start on January 1, 1989 and is bound by a strict timetable for its implementation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

25 MRSA §2925, sub-§§1 and 2, as enacted by PL 1987, c. 840, §3, are amended to read:

1. **Membership.** The E-9-1-1 Advisory Committee shall be composed of ~~44~~ 13 members; one appointed by the Public Utilities Commission; one appointed by the Commissioner of Public Safety; and ~~9~~ 11 appointed by the Governor, including one who is a municipal official, one who is a chief of a municipal police department, one who is the chief of a municipal fire department, one who is a county sheriff, one who represents small telephone companies, one who represents the largest provider of local exchange telephone services, one who represents a direct provider of emergency medical services, one dispatcher and 3 to represent the public-at-large.

2. **Terms of office.** The members appointed by the Public Utilities Commission and the department shall serve at the pleasure of the appointing authority. The remaining members shall serve terms of 3 years, except that, of the