

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 332

H.P. 1159 - L.D. 1700

**An Act Concerning the Construction of the
Maine Revised Statutes****Be it enacted by the People of the State of Maine as follows:****Sec. 1.** 1 MRSA §71, sub-§8 is amended to read:

8. Severability. The provisions of the statutes are severable. The provisions of any session law are severable. If any provision of the statutes or of a session law is invalid, or if the application of either to any person or circumstance is invalid, such invalidity shall does not affect other provisions or applications which can be given effect without the invalid provision or application. The repeal of a severability clause located in and applicable to any title or a division of a title, chapter, section or Act, must be construed as the removal of surplus language unless the law indicates otherwise.

Sec. 2. 1 MRSA §71, sub-§9-A is enacted to read:

9-A. Shall; must; may. "Shall" and "must" are terms of equal weight that indicate a mandatory duty, action or requirement. "May" indicates authorization or permission to act. This subsection applies to laws enacted or language changed by amendment after December 1, 1989.

See title page for effective date.

CHAPTER 333

H.P. 230 - L.D. 321

An Act Regarding Health Insurance**Be it enacted by the People of the State of Maine as follows:****Sec. 1.** 24-A MRSA §2731-A is enacted to read:**§2731-A. "Medically necessary mastectomy surgery" defined**

"Medically necessary mastectomy surgery" includes removal of breast tissue for medically necessary reasons and, when elected by the patient, the surgery to reconstruct the breast on which surgery has been performed. This medical definition applies to all contracts and policies for medical and health insurance issued under this Title and Title 24.

Sec. 2. 24-A MRSA §2751, sub-§1, as amended by PL 1989, c. 875, Pt. I, §4, is further amended by amending the first paragraph to read:

1. Proposed mandatory health insurance benefits; impact assessment study. Whenever a legislative measure containing a mandated health benefit is proposed, the joint standing committee having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among the members of the committee. If no member of the committee votes to support the mandate, the committee may not refer the proposed mandated health benefit to the Mandated Benefits Advisory Commission established by Title 5, section 12004-I, subsection 50. If one or more members of the committee vote for the proposal, the committee shall request that the Mandated Benefits Advisory Commission, established by Title 5, section 12004-I, subsection 50, commission prepare and forward to the Governor and the joint standing committee of the Legislature having jurisdiction over insurance matters, by a certain date, a study that assesses the social and financial effects and the medical efficacy of the proposed mandated benefit and a recommendation for legislative action on the proposal, based on the study. The study may be conducted by the commission or pursuant to a contract with the commission and must analyze information collected from a state data collection system, proponents of the new mandate, the Bureau of Insurance, health planning organizations and other appropriate data sources. For purposes of this section, a mandated health benefit proposal is one that mandates health insurance coverage for specific health services, specific diseases or for certain providers of health care services as part of individual or group health insurance policies. A mandated option is not a mandated benefit for purposes of this section.

See title page for effective date.

CHAPTER 334

H.P. 989 - L.D. 1434

**An Act to Amend the Law Regarding Assessment of
Insurers and License Fees under the
Insurance Law****Be it enacted by the People of the State of Maine as follows:****Sec. 1.** 24 MRSA §2332, first ¶, as enacted by PL 1985, c. 446, §1, is amended to read:

There shall be an assessment levied annually by the The Superintendent of Insurance shall levy an assessment annually upon nonprofit hospital or medical service organizations and nonprofit health care plans licensed to do business in this State in proportion to their