

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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  
1992

---

---

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

---

---

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

**24-A MRSA §2808-A**, as amended by PL 1991, c. 353, is further amended to read:

**§2808-A. Rating practices in group health insurance**

**1. Groups with fewer than 25 members.** Except as provided in subsection 3, no insurer may increase charge group health insurance premium rates for ~~a group~~ groups with fewer than 25 insured members, excluding dependents, ~~on the basis of that vary based on~~ the claims experience of ~~that the~~ group.

**2. Subgroups; rate differentiation.** Except as provided in subsection 3, no insurer may increase charge group health insurance premium rates on a basis which that discriminates between different subgroups of a group according to the claims experience of the subgroup. The term "subgroup," as used in this section, refers to an employer with fewer than 25 insured employees within a multiple employer trust, or to any similar subdivision of a larger group covered by a single group health insurance policy or contract.

**3. Tiers of rates allowed.** Groups Except as provided in paragraph C, groups or subgroups subject to subsection 1 or 2 may be divided into 2 or more tiers for rating purposes based on the experience of the group or subgroup provided that the following conditions are satisfied.

A. The rates for the highest tier may not exceed the average rate for all tiers by more than 20%.

B. At the time of application, the insurer must provide to the prospective policyholder a prominent disclosure indicating that premium rates may change based on the claims experience of the group or subgroup. If the policyholder is a multiple employer trust, the policyholder must provide this disclosure to each employer at the time of application to the trust. For multiple employer trusts in existence on January 1, 1990, this disclosure procedure must be completed prior to the first subsequent renewal.

C. Exceptions to subsections 1 and 2 do not apply to policies executed, delivered, issued for delivery, continued or renewed on or after January 1, 1993.

**4. Applicability.** This section applies to all policies executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1990. This section applies to any certificates delivered to residents of this State under a group health insurance policy described in section 2805-A, 2806 or 2808 and executed, continued or renewed on or after January 1, 1990. For

purposes of this section, all contracts ~~shall be~~ are deemed to ~~be~~ renewed no later than the next yearly anniversary of the contract date.

~~5. Sunset. Unless continued or modified by law, this section is repealed on October 1, 1992.~~

See title page for effective date.

## CHAPTER 697

H.P. 1552 - L.D. 2190

### An Act to Define Conflict of Interest for Probate Judges

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

**Sec. 1. 4 MRSA §307**, is amended by adding at the end a new paragraph to read:

A judge is considered to be interested in an estate or other probate proceeding, including adoptions, if the judge or a person with whom the judge practices law represents a party in the proceeding. When such representation begins, the judge shall transfer the matter as provided in this section, after which transfer the judge or the person with whom the judge practices law may continue such representation, except that, after a formal probate proceeding has been initiated before a judge, that judge is forever barred from assuming representation of a party in that same proceeding without regard to whether or not the proceeding has been transferred. A petition requesting a transfer and the petition related to the matter being transferred filed simultaneously are not considered formal probate proceedings for the purposes of this paragraph.

See title page for effective date.

## CHAPTER 698

H.P. 1532 - L.D. 2163

### An Act to Amend the State's Oil Spill Prevention and Response Provisions

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

**Sec. 1. 5 MRSA §12004-I, sub-§24-B** is enacted to read:

<b>24-B.</b>	<u>Oil Spill</u>	<u>Expenses and</u>	<u>38 MRSA</u>
<u>Environment:</u>	<u>Advisory</u>	<u>Legislative</u>	<u>§551-A</u>
<u>Natural</u>	<u>Committee</u>	<u>per diem</u>	
<u>Resources</u>			