

MAINE STATE LEGISLATURE

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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

every issuer shall offer standardized Medicare Supplement Plan A, as defined by rule, to all applicants on a basis that does not deny coverage to any individual or group based on health status, claims experience, receipt of health care, or medical condition.

§5013. Notice regarding policies that are not Medicare supplement policies

Any individual accident and sickness insurance policy or group insurance certificate, including the contract of a nonprofit hospital and medical service or health care plan issued for delivery in this State to persons eligible for Medicare by reason of age must notify insureds that the policy or certificate is not a Medicare supplement policy or certificate. The notice must be either printed on or attached to the first page of the outline of coverage delivered to insureds, or if no outline of coverage is delivered, to the first page of the policy or certificate. The notice must be in no less than 12-point type and must contain the following language:

“THIS (POLICY OR CERTIFICATE) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CERTIFICATE). If you are eligible for Medicare, review the Medicare Supplement Buyer’s Guide available from the company. If you have a Medicare supplement policy or major medical policy, this coverage may be more than you need. For information call the Bureau of Insurance at (toll-free phone number).”

This section does not apply to a Medicare supplement policy; a policy issued pursuant to a contract under the Federal Social Security Act, 42 United States Code, Section 1833 or 1876; a disability income policy; a single premium nonrenewable policy; or a policy identified in section 5001-A, subsection 2.

Sec. 14. Severability. If the United States Secretary of Health and Human Services concludes that the effect of inclusion of the provisions in section 7 of this Act enacting the Maine Revised Statutes, Title 24-A, section 5005, subsection 4; in section 12 of this Act enacting Title 24-A, section 5010, subsection 3 and Title 24-A, section 5011 and Title 24-A, section 5012 in the State of Maine Medicare Supplement regulatory program prevents certification under the federal Social Security Act, 42 United States Code, Section 1395ss (b)(1), the provisions of those sections are null and void.

Sec. 15. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1992-93

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Bureau of Insurance

Positions	(0.5)
Personal Services	\$12,960
All Other	250
Capital Expenditures	3,000

Provides funds for the salary, fringe benefits and operating expenses of a part-time Market Conduct Examiner position and for one-time computer costs.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

TOTAL \$16,210

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 26, 1992.

CHAPTER 741

S.P. 834 - L.D. 2138

An Act to Update and Revise the Exemptions under the Maine Bankruptcy Code

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

Sec. 1. 14 MRSA §4422, sub-§1, ¶A, as enacted by PL 1989, c. 286, §1, is amended to read:

A. Except as provided in paragraph B, the debtor’s aggregate interest, not to exceed ~~\$7,500~~ \$12,500 in value, in real or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor, provided that if minor dependents of the debtor have their principal place of residence with the debtor, the debtor’s aggregate interest may not exceed \$25,000 and provided further that if the debtor’s interest is held jointly with any other person or persons, the exemption ~~shall~~ may not exceed in value the lesser of ~~\$7,500~~ \$12,500 or the product of the debtor’s fractional share times ~~\$15,000~~ \$25,000.

Sec. 2. 14 MRSA §4422, sub-§§2, 4 and 5, as enacted by PL 1981, c. 431, §2, are amended to read:

2. Motor vehicle. The debtor’s interest, not to exceed ~~\$1,200~~ \$2,500 in value, in one motor vehicle.

4. Jewelry. The debtor’s aggregate interest, not to exceed ~~\$500~~ \$750 in value, in jewelry held primarily for the personal, family or household use of the debtor or a

dependent of the debtor and the debtor's interest in a wedding ring and an engagement ring.

5. Tools of the trade. The debtor's aggregate interest, not to exceed ~~\$1,000~~ \$5,000 in value, in any implements, professional books or tools of the trade of the debtor or the trade of a dependent of the debtor, including, but not limited to, power tools, materials and stock designed and procured by ~~him~~ the debtor and necessary for carrying on ~~his~~ the debtor's trade or business and intended to be used or wrought ~~therein~~ in that trade or business.

Sec. 3. 14 MRSA §4422, sub-§14, ¶D, as enacted by PL 1981, c. 431, §2, is amended to read:

D. A payment, not to exceed ~~\$7,500~~ \$12,500, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent; or

Sec. 4. 14 MRSA §4422, sub-§16, as enacted by PL 1981, c. 431, §2, is amended to read:

16. Unused residence exemption. The debtor's interest, equal to any unused amount of the exemption provided under subsection 1 but not exceeding ~~\$4,500~~ \$6,000, in any property exempt under subsections 3; and 5 and subsection 14, paragraph D.

See title page for effective date.

CHAPTER 742

H.P. 1491 - L.D. 2103

An Act to Amend the Laws Governing Emergency Medical Technicians

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

Sec. 1. 32 MRSA §85, sub-§2, as amended by PL 1991, c. 588, §13, is further amended to read:

2. Advanced emergency medical treatment. With the advice and consultation noted in subsection 1, the board may provide, by rule, which advanced skills, techniques and judgments may be supervised by a physician by means of standing orders, by voice radio and by other means. Nothing in this section may preclude protocols in a particular region from imposing controls more strict than those permitted by the board's rules on the use of a skill, technique or judgment. In every case, advanced emergency medical treatment must be given in accordance with protocols.

The board may establish by rule appropriate licensure levels for advanced emergency medical technicians and fix the qualifications for persons to hold those licenses.

~~For those individuals licensed at the advanced level, the board shall establish through rules the criteria for licensure to include the requirements for renewal. Renewal at the advanced level is not contingent upon renewal of a basic emergency medical technician license, but may be as a result of demonstrated competence at the basic level and advanced levels. The demonstrated competence at the basic level for advanced license renewal may be any combination of requirements, as established by the board, to include continuing education requirements, passage of a written or practical test, or both, or the successful passage of a refresher course. A person licensed at the advanced level is considered as being licensed at the basic level.~~

Sec. 2. 32 MRSA §85, sub-§3, as amended by PL 1991, c. 613, is further amended to read:

3. Minimum requirements for initial licensing. In setting rules for the initial licensure of emergency medical services persons, the board shall ensure that a person is not licensed to care for patients unless that person's qualifications are at least those specified in this subsection. Any person who meets these conditions is considered to have the credentials and skill demonstrations necessary for the ambulance attendant level of licensure to provide basic emergency medical treatment.

A. The person must have completed successfully the United States Department of Transportation course for first responders, with supplemental training specified in rules adopted by the board pursuant to the Maine Administrative Procedure Act, or completed successfully the American Red Cross Advanced First Aid and Emergency Care Course, with supplemental training specified in rules adopted by the board pursuant to the Maine Administrative Procedure Act.

B. The person must have successfully completed the American Heart Association basic rescuer course in cardiopulmonary resuscitation or its American Red Cross equivalent.

C. The person must have successfully completed a state written and practical test for basic emergency medical treatment.

D. The person must be sponsored by a Maine licensed ambulance service or first responder service.

~~The board may set by rule intervals at which these qualifications must be renewed and appropriate courses and testing for that renewal.~~