

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

surety and failure of the surplus lines broker to procure a satisfactory replacement bond prior to cancellation, the surplus lines broker's license terminates.

See title page for effective date.

CHAPTER 154

S.P. 337 - L.D. 1011

An Act to Amend the Medicare Supplement Insurance Regulatory Program

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

Whereas, federal law required the states to adopt the National Association of Insurance Commissioners' Medicare supplemental insurance minimum standards model act and rule prior to July 30, 1992; and

Whereas, immediate action is necessary to ensure that the State adopts those revisions required by the Health Care Financing Administration to prevent federal preemption of its Medicare supplemental insurance regulatory program; 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:

Sec. 1. 24-A MRSA §5001, sub-§4, as amended by PL 1991, c. 740, §1, is further amended to read:

4. Medicare supplement policy. "Medicare supplement policy" means a group or individual policy of accident and sickness insurance or a subscriber contract of a nonprofit hospital or medical service organization or nonprofit health care plan or health maintenance organization other than a policy issued pursuant to a contract under the federal Social Security Act, 42 United States Code, Section 1395, et seq., Section 1876 1833 or Section 1833 1876 or an issued policy under a demonstration project authorized pursuant to amendments to the federal Social Security Act, which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare.

Sec. 2. 24-A MRSA §5002-A, sub-§2, as enacted by PL 1991, c. 740, §4, is amended to read:

2. Standardization. The superintendent may adopt rules specifying the minimum Medicare supplement contract benefits required in the State and the optional new and innovative benefits available for sale in the State. All other benefits or options are prohibited in a Medicare supplement contract subject to this chapter.

Sec. 3. 24-A MRSA §5010, sub-§§2 and 3, as enacted by PL 1991, c. 740, §13, are amended to read:

2. Insured's right to replace coverage. Insureds under Medicare supplement policies issued prior to January 1, 1992 ~~must~~ shall be permitted at any time to replace their coverage with any of the standardized plans offered by the same insurer, subject to the following conditions.

A. The insurer may decline to issue a particular standardized plan to an existing insured if:

- (1) The standardized plan includes coverage of prescription drugs greater than that in the plan being replaced; and
- (2) The insured does not otherwise qualify for the standardized plan.

B. If the standardized plan is rated on the basis of age at issue, the issuer shall use the insured's age at the time of issue of the prior policy.

C. The insurer shall provide at each policy anniversary, and at the time of any rate increase, a notice describing the standardized plans which are available and the rates for those plans.

3. Mandatory replacement. Prior to October 1, 1992, all issuers shall submit to the superintendent a copy of each Medicare supplement policy form for which policies issued prior to January 1, 1992 are in force in Maine and a list of standardized plans offered on the effective date of this section. The issuer shall designate the standardized plan, if any, that has substantially similar benefits to the policy issued prior to January 1, 1992. For any of the policies that the superintendent determines are substantially similar to one of the offered standardized plans, the issuer shall replace the policy with the similar standardized plan or, at the option of the insured, one of the other standardized plans selected by the insured pursuant to subsection ~~† 2,~~ on or before the first policy anniversary after June 30, 1993.

Sec. 4. 24-A MRSA §5013, 2nd ¶, as enacted by PL 1991, c. 740, §13, is amended to read:

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 1395, et seq., Section 1833 or 1876; a disability

income policy; a single premium nonrenewable policy; or a policy identified in section 5001-A, subsection 2.

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

Effective May 25, 1993.

CHAPTER 155

H.P. 567 - L.D. 772

An Act to Provide for an Open Season on Most Inland Fisheries in the State

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

Sec. 1. 12 MRSA §7552, first ¶, as enacted by PL 1979, c. 420, §1, is amended to read:

Except as provided in subsection 5, ~~5-A~~ and except as the commissioner may by rule provide, the following ~~shall be~~ are the open seasons for fishing in the State. All opening and closing dates are inclusive.

Sec. 2. 12 MRSA §7552, sub-§5, as amended by PL 1991, c. 443, §§28 and 29, is repealed.

Sec. 3. 12 MRSA §7552, sub-§5-A is enacted to read:

5-A. Exceptions. Notwithstanding subsections 1 to 4:

A. A person may take smelts at any time by the use of a dipnet in the usual and ordinary way in inland waters or portions of inland waters that are naturally free of ice, and where the taking of smelts is not prohibited by rules of the commissioner;

B. There is a continued closed season on the dipping of smelts from Morrill Pond and its tributaries in Somerset County;

C. Whenever the last day of open-water fishing season falls on a Saturday, the commissioner shall issue a rule extending the season one day to include the following Sunday; and

D. The commissioner by rule shall extend the open-water fishing season through the month of November in lakes and ponds that are managed primarily for warm water sport fish in the following counties: Androscoggin, Cumberland, Hancock, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, Washington and York. Rules adopted un-

der this paragraph may include provisions that establish catch-and-release-only restrictions on salmon, trout, togue and bass.

Sec. 4. Adoption of rules. The Commissioner of Inland Fisheries and Wildlife shall adopt rules pursuant to the Maine Revised Statutes, Title 12, section 7552, subsection 5-A, paragraph D prior to the 1994 open-water fishing season and shall list these rules in the 1994-1995 and subsequent biennial revisions of "Open Water Fishing Regulations."

See title page for effective date.

CHAPTER 156

S.P. 260 - L.D. 798

An Act Regarding the Baiting of Animals

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

Sec. 1. 12 MRSA §7458, sub-§9, as enacted by PL 1979, c. 420, §1, is repealed and the following enacted in its place:

9. Illegally baiting deer. A person is guilty of illegally baiting deer if, during any open hunting season on deer, that person:

A. Places salt or any other bait or food in a place to entice deer to that place; or

B. Hunts from an observation stand or blind overlooking salt, grain, fruit, nuts or other foods known to be attractive to deer.

Sec. 2. 12 MRSA §7458, sub-§15, ¶H is enacted to read:

H. Subsection 9, paragraph B does not apply to hunting from an observation stand or blind overlooking:

(1) Standing crops;

(2) Foods that have been left as a result of normal agricultural operations or as a result of natural occurrence; or

(3) Bear bait that has been placed at a bear hunting stand or blind in accordance with section 7451, subsection 3.

See title page for effective date.