

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

(1) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between December 1, 1993 and July 14, 1994, the premium rate may not deviate above or below the community rate filed by the carrier by more than 50%.

(2) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between July 15, 1994 and July 14, 1995, the premium rate may not deviate above or below the community rate filed by the carrier by more than 33%.

(3) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between July 15, 1995 and July 14, 1996, the premium rate may not deviate above or below the community rate filed by the carrier by more than 20%.

(4) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between July 15, 1996 and July 14, 1997, the premium rate may not deviate above or below the community rate filed by the carrier by more than 10%.

(5) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after July 15, 1997, the premium rate may not deviate from the community rate filed by the carrier.

~~Unless continued or modified by law, this paragraph is repealed on July 15, 1994.~~

Sec. 2. 24-A MRSA §2808-B, sub-§2, ¶D, as amended by PL 1993, c. 477, Pt. B, §1 and affected by Pt. F, §1, is further amended to read:

D. A carrier may vary the premium rate due to age, smoking status, occupation or industry, and geographic area only under the following schedule and within the listed percentage bands.

(1) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between July 15, 1993 and July 14, 1994, the premium rate may not deviate above or below the community rate filed by the carrier by more than 50%.

(2) For all policies, contracts or certificates that are executed, delivered, issued for de-

livery, continued or renewed in this State between July 15, 1994 and July 14, 1995, the premium rate may not deviate above or below the community rate filed by the carrier by more than 33%.

(3) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between July 15, 1995 and July 14, 1996, the premium rate may not deviate above or below the community rate filed by the carrier by more than 20%.

(4) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between July 15, 1996 and July 14, 1997, the premium rate may not deviate above or below the community rate filed by the carrier by more than 10%.

(5) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after July 15, 1997, the premium rate may not deviate from the community rate filed by the carrier.

~~Unless continued or modified by law, this paragraph is repealed on July 15, 1994.~~

See title page for effective date.

CHAPTER 547

S.P. 582 - L.D. 1626

An Act Concerning Health Insurance

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

Sec. 1. 24 MRSA §2327-B is enacted to read:

§2327-B. Rating practices in individual insurance

Title 24-A, section 2736-C applies to nonprofit hospital corporations, nonprofit medical service corporations and nonprofit health care plans to the extent not inconsistent with this chapter.

Sec. 2. 24 MRSA §2349, sub-§1, as amended by PL 1993, c. 477, Pt. A, §1 and affected by Pt. F, §1, is further amended to read:

1. Contracts subject to this section. This section applies to all individual and group contracts issued by nonprofit hospital or medical service or-

ganizations, except ~~group~~ long-term care policies as defined in Title 24-A, section 5051.

Sec. 3. 24-A MRSA §2736-C, sub-§2, ¶A, as enacted by PL 1993, c. 477, Pt. C, §1 and affected by Pt. F, §1, is amended to read:

A. A carrier issuing an individual health plan after ~~the effective date of this section~~ December 1, 1993 must file the carrier's community rate and any formulas and factors used to adjust that rate with the superintendent ~~for informational purposes~~ prior to issuance of any individual health plan.

Sec. 4. 24-A MRSA §2850, sub-§1, as amended by PL 1991, c. 695, §11, is further amended to read:

1. Application. This section applies to individual ~~and group~~ medical insurance ~~policies contracts~~ subject to chapter 33, except Medicare supplement ~~policies contracts~~, converted ~~policies contracts~~ issued under section 2809-A and ~~policies contracts~~ designed to cover specific diseases, hospital indemnity or accidental injury only.

Sec. 5. 24-A MRSA §5010-A, as enacted by PL 1993, c. 304, §1, is amended to read:

§5010-A. Coverage of the disabled

An issuer offering coverage under a Medicare supplement policy in this State shall offer coverage under its standardized plans to all individuals, regardless of age, who are entitled to Medicare benefits due to disability. An issuer shall offer such coverage during an individual's open enrollment period under any of the policies offered by the issuer to persons eligible for Medicare benefits due to age. An issuer shall also offer standardized Medicare Supplement Plan A to persons entitled to Medicare benefits due to disability during the guaranteed issue period as set forth in section 5012. Issuers shall give notice of Medicare supplement coverage to individuals enrolled in Medicare in advertising of Medicare supplement policies intended for use in this State. By January 1, 1994, the superintendent shall establish rules to ensure that the notice of the availability of coverage for the disabled is sufficiently advertised.

See title page for effective date.

CHAPTER 548

H.P. 1236 - L.D. 1663

**An Act to Allow the Growth and Sale
of Cultivated Ginseng in Maine**

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

Sec. 1. 7 MRSA c. 406 is enacted to read:

CHAPTER 406

GINSENG

§2221. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Ginseng. "Ginseng" means any part of the plant known as Wild American Ginseng (Panax quinquefolius L.)

§2222. Permit and registration

A person who cultivates ginseng for sale must be licensed by the department and shall pay an annual fee of \$10. A person who buys ginseng for resale shall register annually with the department as a ginseng dealer and pay an annual fee of \$25.

§2223. Harvesting and certification

The department shall establish a procedure for certifying cultivated ginseng for export to other states or countries. The department shall also require that records be maintained by anyone who harvests ginseng for sale or buys ginseng for resale. The department may charge fees to recover costs involved in certifying ginseng for export.

§2224. Fund

All fees collected under this chapter must be deposited in a nonlapsing dedicated fund to be used by the department to implement this chapter.

§2225. Rules

The department may adopt rules necessary to implement this chapter.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1994-95

**AGRICULTURE, FOOD AND
RURAL RESOURCES,
DEPARTMENT OF**

**Bureau of Agricultural
Production**