

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

D. The employer and employee are covered by the provisions of the workers' compensation laws or similar laws of the other state and that law applies to them while they are working in this State;

E. The employer has furnished workers' compensation insurance coverage under the workers' compensation laws or similar laws of the other state so as to cover the employee's employment while in this State;

F. The extraterritorial provisions of this Act covering employees in this State temporarily working in the other state are recognized in the other state; and

G. Employers and employees covered in this State are exempt from the application of the workers' compensation laws or similar laws of the other state under legislation comparable to this section.

2. Other state's laws prevail. If the exemption provided in subsection 1 applies, the workers' compensation laws or similar laws of the other state are the exclusive remedy against the employer in that state for any injury, whether resulting in death or not, received by an employee while working for that employer in this State.

3. Certificate of compliance. A certificate from a duly authorized official of the workers' compensation board or similar department or agency of the other state certifying that an employer is insured in that other state and has provided extraterritorial coverage insuring the employer's employees while working within this State is prima facie evidence that the employer carries such compensation insurance.

4. Reciprocal agreements. The board may enter into reciprocal agreements with workers' compensation agencies of other states adopting legislation similar to this section to ensure efficient administration of the Act.

See title page for effective date.

CHAPTER 71

H.P. 79 - L.D. 115

An Act to Require Insurance Companies to Provide Loss Information to Insured Groups

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

Sec. 1. 24 MRSA §2307-B is enacted to read:

§2307-B. Loss information

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Insurance policy" means the insurance policy relating to the loss information requested pursuant to this section.

B. "Loss information" means the aggregate claims experience of the group insurance policy or contract. "Loss information" includes the amount of premium received, the amount of claims paid and the loss ratio. "Loss information" does not include any information or data pertaining to the medical diagnosis, treatment or health status that identifies an individual covered under the group contract or policy.

C. "Loss ratio" means the ratio between the amount of premium received and the amount of claims paid by the insurer under the group insurance contract or policy.

2. Disclosure of loss information. Upon written request, every insurer shall provide loss information concerning a group policy or contract to its policyholder at least 60 days prior to renewal of the policy or contract and again 6 months from the date the policy becomes effective.

3. Transmittal of request. If a policyholder requests loss information from an insurance agent or other authorized representative, the representative or agent shall transmit the request for loss information to the insurer within 4 working days.

4. Exception. An insurer is not required to provide the loss information described in this section to a group with fewer than 25 members.

Sec. 2. 24-A MRSA §2803-A is enacted to read:

§2803-A. Loss information

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Insurance policy" means the insurance policy relating to the loss information requested pursuant to this section.

B. "Loss information" means the aggregate claims experience of the group insurance policy or contract. "Loss information" includes the amount of premium received, the amount of claims paid and the loss ratio. "Loss information" does not include any information or data pertaining to the medical diagnosis, treatment or

health status that identifies an individual covered under the group contract or policy.

C. "Loss ratio" means the ratio between the amount of premium received and the amount of claims paid by the insurer under the group insurance contract or policy.

2. Disclosure of loss information. Upon written request, every insurer shall provide loss information concerning a group policy or contract to its policyholder at least 60 days prior to renewal of the policy or contract and again 6 months from the date the policy becomes effective.

3. Transmittal of request. If a policyholder requests loss information from an insurance agent or other authorized representative, the representative or agent shall transmit the request for loss information to the insurer within 4 working days.

4. Exception. An insurer is not required to provide the loss information described in this section to a group with fewer than 25 members.

Sec. 3. 24-A MRSA §4224-A is enacted to read:

§4224-A. Loss information

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Insurance policy" means the insurance policy relating to the loss information requested pursuant to this section.

B. "Loss information" means the aggregate claims experience of the group insurance policy or contract. "Loss information" includes the amount of premium received, the amount of claims paid and the loss ratio. "Loss information" does not include any information or data pertaining to the medical diagnosis, treatment or health status that identifies an individual covered under the group contract or policy.

C. "Loss ratio" means the ratio between the amount of premium received and the amount of claims paid by the insurer under the group insurance contract or policy.

2. Disclosure of loss information. Upon written request, every insurer shall provide loss information concerning a group policy or contract to its policyholder at least 60 days prior to renewal of the policy or contract and again 6 months from the date the policy becomes effective.

3. Transmittal of request. If a policyholder requests loss information from an insurance agent or

other authorized representative, the representative or agent shall transmit the request for loss information to the insurer within 4 working days.

4. Exception. An insurer is not required to provide the loss information described in this section to a group with fewer than 25 members.

See title page for effective date.

CHAPTER 72

H.P. 131 - L.D. 179

An Act to Prohibit Visual Sexual Aggression Against a Child and Private Indecency

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

Sec. 1. 17-A MRSA §256 is enacted to read:

§256. Visual sexual aggression against a child

1. A person is guilty of visual sexual aggression against a child if, for the purpose of arousing or gratifying sexual desire or for the purpose of causing affront or alarm, the actor, having in fact attained 18 years of age, exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor and the other person, not the actor's spouse, has not in fact attained 14 years of age.

2. Visual sexual aggression against a child is a Class D crime.

Sec. 2. 17-A MRSA §854, as amended by PL 1989, c. 401, Pt. B, §§6 and 7, is further amended to read:

§854. Indecent conduct

1. A person is guilty of ~~public indecency~~ indecent conduct if:

A. In a public place:

(1) The actor engages in a sexual act, as defined in section 251; or

(2) The actor knowingly exposes the actor's genitals under circumstances ~~which~~ that, in fact, are likely to cause affront or alarm; ~~or~~

B. In a private place, the actor exposes the actor's genitals with the intention that the actor be seen from a public place or from another private place; ~~or~~