

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

tive Council. The report must identify for the immediately preceding month:

- A. Revenues of the department;
- B. Expenditures of the department; and
- C. The difference between the projected revenues and expenditures of the department and the actual revenues and expenditures.

See title page for effective date.

**CHAPTER 313**

**H.P. 1301 - L.D. 1844**

**An Act to Amend the Professional Service Corporation Act As It Relates to Eye Care Providers**

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

**Sec. 1. 13 MRSA §705**, as amended by PL 1989, c. 613, is further amended to read:

**§705. Corporate organization**

An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional service within this State may organize and become a shareholder or shareholders of a professional corporation under the corporation laws for the sole and specific purpose of rendering the same and specific professional service. Notwithstanding any other provisions of law, for the purposes of this chapter, osteopathic physicians licensed under Title 32, chapter 36; and physicians and surgeons licensed under Title 32, chapter 48; are considered to render the same professional service. Notwithstanding any other provision of law, for the purposes of this chapter, optometrists licensed under Title 32, chapter 34-A and ophthalmologists licensed under Title 32, chapter 36 or 48 may organize and become the sole shareholders of the same professional corporation under the corporation laws for the sole and specific purpose of rendering their respective professional services that are considered to be complementary to one another.

See title page for effective date.

**CHAPTER 314**

**S.P. 657 - L.D. 1879**

**An Act Authorizing the Bureau of Insurance to Release Aggregate Ratios of Consumer Complaints to the Public**

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

**Sec. 1. 24-A MRSA §216, sub-§2**, as amended by PL 1989, c. 269, §5, is further amended to read:

2. All records of the bureau ~~shall be~~ are subject to public inspection, except as otherwise expressly provided by law as to particular matters; and except that records, correspondence and reports of investigation in connection with actual or claimed violations of this Title or prosecution or disciplinary action ~~therefor shall be for those violations are~~ confidential. The confidential nature of any such record, correspondence or report ~~shall may~~ not limit or affect use of the same by the superintendent in any such prosecution or action. This subsection ~~shall does~~ not preclude participation by the superintendent in the establishment of an interstate complaint handling system ~~which that~~ may involve the sharing of information with insurance regulatory officials in other jurisdictions and with the National Association of Insurance Commissioners, ~~provided that as long as~~ as long as the names of the complainant and insured remain confidential. This subsection does not preclude the dissemination of aggregate ratios of substantiated consumer complaints to the public by the superintendent. Only complaints received in writing are included in the calculation of the complaint ratio. A complaint received by electronic means is considered a written complaint. A substantiated consumer complaint includes any matter in which the resolution results in a favorable outcome to the consumer, including, but not limited to, the recovery of premium refunds, additional amounts paid on claims or policy reinstatements. A matter in which the actions of an insurer are in violation of this Title is deemed a substantiated complaint. The superintendent shall adopt rules necessary to define the method for calculating complaint ratios. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

**Sec. 2. Rule-making authority.** The Superintendent of Insurance has authority to adopt rules in accordance with the Maine Revised Statutes, Title 5, chapter 375 to implement Title 24-A, section 216, subsection 2, as amended by this Act. Such rules must be provisionally adopted and submitted to the Legislature for review as major substantive rules