

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

enrolled population might reasonably require in order to be maintained in good health, ~~including and includes~~, at a minimum, emergency care, inpatient hospital care, ~~inpatient-outpatient inpatient~~ physician services, ~~outpatient physician services~~, ancillary services such as x-ray services and laboratory services and all benefits mandated by statute and mandated by rule applicable to health maintenance organizations. The superintendent may adopt rules defining "basic health care services" to be provided by health maintenance organizations. In adopting such rules, the superintendent shall consider the coverages that have traditionally been provided by health maintenance organizations; the need for flexibility in the marketplace; and the importance of providing multiple options to employers and consumers. The superintendent may not require that all health benefit plans offered by health maintenance organizations meet or exceed each of the particular requirements of standard or basic health plans specified in Bureau of Insurance Rule, Chapter 750. The superintendent may select required services from among those set forth in Bureau of Insurance Rule, Chapter 750 and shall permit reasonable, but not excessive or unfairly discriminatory, variations in the copayment, coinsurance, deductible and other features of such coverage, except that these features must meet or exceed those required in benefits mandated by statute. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 2. 24-A MRSA §4204, sub-§2-A, ¶O is enacted to read:

O. Each health maintenance organization shall provide basic health care services.

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

Effective May 18, 1999.

CHAPTER 223

H.P. 1233 - L.D. 1762

**An Act to Clarify the Law
Concerning Representations Made in
Insurance Contracts**

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

Sec. 1. 24-A MRSA §2411, as enacted by PL 1969, c. 132, §1, is amended to read:

§2411. Representations in applications

All statements and descriptions in any application for insurance or for an annuity contract, by or in behalf of the insured or annuitant, ~~shall be~~ are deemed to be representations and not warranties. Misrepresentations, omissions, concealment of facts, and incorrect statements ~~shall may~~ not prevent a recovery under the policy or contract unless either:

1. Fraudulent; or

2. Material either to the acceptance of the risk, or to the hazard assumed by the insurer; ~~or~~, such that the insurer in good faith would either not have issued the insurance or contract, or would not have issued it at the same premium rate, or would not have issued insurance in as large an amount, or would not have provided coverage with respect to the hazard resulting in the loss, if the true facts had been made known to the insurer as required either by the application for the policy or contract or otherwise.

~~3. The insurer in good faith would either not have issued the insurance or contract, or would not have issued it at the same premium rate, or would not have issued insurance in as large an amount, or would not have provided coverage with respect to the hazard resulting in the loss, if the true facts had been made known to the insurer as required either by the application for the policy or contract or otherwise.~~

To prevent a recovery under this section for any application for life, credit life, disability, long-term care, accidental injury, specified disease, hospital indemnity or credit or accident insurance, an insurer need only prove one of the acts described in this section, not an act under subsections 1 and 2.

See title page for effective date.

CHAPTER 224

S.P. 247 - L.D. 669

**An Act to Change Certified Public
Accountant Experience
Requirements for Employees of the
Department of Audit**

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

Sec. 1. 32 MRSA §12228, sub-§10, as amended by PL 1997, c. 526, §14, is further amended to read:

10. Experience. During the 5-year period immediately following October 1, 1997, the applicant shall show that the applicant has had 2 years of experience in the practice of public accountancy or its equivalent, meeting requirements prescribed by the