

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**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**  
**2001**

not limited to, research, scholarships, construction or development.

See title page for effective date.

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**CHAPTER 87**

**H.P. 748 - L.D. 967**

**An Act to Waive Immunization  
Requirements for Students  
Participating in Distance Programs**

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

**Sec. 1. 20-A MRSA §6359**, as amended by PL 1991, c. 146, §§1 to 4, is further amended by adding at the end a new paragraph to read:

A student who is enrolled in a distance education program offered by a school and who does not physically attend any classes or programs at a school facility, including a campus, center or site of that school, or at a school facility, including a campus, center or site of any other school, is exempt from the provisions of this section.

See title page for effective date.

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**CHAPTER 88**

**S.P. 387 - L.D. 1284**

**An Act Related to the Financial  
Regulation of Health Maintenance  
Organizations**

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

**Sec. 1. 24-A MRSA §4204, sub-§4, ¶F** is enacted to read:

F. The superintendent may require a health maintenance organization to continue to maintain the deposit required under this subsection after the health maintenance organization has withdrawn from the market in accordance with section 415-A.

**Sec. 2. 24-A MRSA §4204, sub-§6, ¶C** is enacted to read:

C. In addition to the other provisions in this subsection, if a petition to liquidate an insolvent health maintenance organization is filed with a court of competent jurisdiction, then after the date of filing the petition for liquidation:

(1) Any provider who has rendered a covered service for a subscriber or enrollee of the insolvent health maintenance organization is prohibited from collecting or attempting to collect from the subscriber or enrollee amounts normally payable by the insolvent health maintenance organization; and

(2) A provider or agent, trustee or assignee of the provider may not maintain any action at law against a subscriber or enrollee of the insolvent health maintenance organization to collect amounts for covered services normally payable by the insolvent health maintenance organization.

Nothing in this subsection prohibits a provider from collecting or attempting to collect from a subscriber or enrollee any amounts for services not normally payable by the insolvent health maintenance organization, including applicable copayments or deductibles.

**Sec. 3. 24-A MRSA §4204-A, sub-§2, ¶C**, as enacted by PL 1989, c. 842, §14, is amended to read:

C. An amount equal to the sum of 3 months uncovered health care expenditures as reported on the financial statement covering the health maintenance organization's immediately preceding fiscal year as filed with the superintendent; ~~or~~

**Sec. 4. 24-A MRSA §4204-A, sub-§2, ¶D**, as enacted by PL 1989, c. 842, §14, is repealed and the following enacted in its place:

D. An amount equal to 8% of annual health care expenditures, except those paid on a capitated basis as reported on the financial statement covering the health maintenance organization's immediately preceding fiscal year as filed with the superintendent; or

**Sec. 5. 24-A MRSA §4204-A, sub-§2, ¶E** is enacted to read:

E. An amount equal to the company action level risk-based capital as defined in chapter 79.

**Sec. 6. 24-A MRSA §4222-B, sub-§§5 and 6**, as enacted by PL 1995, c. 332, Pt. O, §8, are amended to read:

**5.** The requirements of section 222, subsections 2 to 9, subsections 11-A and 11-B and subsections 13 to 18 apply to domestic health maintenance organizations.