

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

as provided in section 702, ~~except as provided in subsection 2.~~

See title page for effective date.

CHAPTER 106

H.P. 317 - L.D. 409

An Act To Allow a Court To Order the Cancellation of a Life Insurance Policy as Part of a Protection from Abuse Proceeding

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

Sec. 1. 19-A MRSA §4007, sub-§1, ¶F-1 is
enacted to read:

F-1. Ordering the termination of a life insurance policy or rider under that policy owned by the defendant if the plaintiff is the insured life under the policy or rider. Upon issuance, a copy of the court order must be sent to the insurer that issued the policy;

See title page for effective date.

CHAPTER 107

H.P. 499 - L.D. 682

An Act To Change the Membership of the Plumbers' Examining Board To Include a Local Plumbing Inspector

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

Sec. 1. 32 MRSA §3401, first ¶, as amended
by PL 1989, c. 503, Pt. B, §140, is further amended to
read:

~~A- The Plumbers' Examining Board, as established by Title 5, section 12004-A, subsection 32, shall consist~~ consists of 5 members, ~~who shall be~~ appointed by the Governor. One of the members ~~shall~~ must be a representative of the public, 2 ~~shall~~ must be master plumbers as defined in section 3301, ~~and 2 shall~~ one must be a journeyman plumber ~~plumber~~ as defined in section 3301, ~~both of whom have~~ who has been engaged in the business of plumbing for at least 2 years ~~and one must be a local plumbing inspector who has been engaged in plumbing inspections for at least 4 years and is employed by a municipality.~~

Sec. 2. Effective date. This Act takes effect
June 19, 2005.

Effective June 19, 2005.

CHAPTER 108

H.P. 331 - L.D. 423

An Act To Improve the Process of Credentialling Health Care Providers

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

Sec. 1. 24-A MRSA §4303, sub-§2, as
amended by PL 1997, c. 163, §1, is further amended to
read:

2. Credentialling. The credentialling of provid-
ers by a carrier ~~offering a managed care plan~~ is
governed by this subsection.

A. The granting of credentials must be based on
objective standards that are available to providers
upon application for credentialling. A carrier
shall consult with appropriately qualified health
care professionals in developing its credentialling
standards.

B. All credentialling decisions, including those
granting, denying or withdrawing credentials,
must be in writing. The provider must be pro-
vided with all reasons for the denial of an appli-
cation for credentialling or the withdrawal of
credentials. A withdrawal of credentials must be
treated as a provider termination and is subject to
the requirements of subsection 3-A.

C. A carrier shall establish and maintain an ap-
peal procedure, including the provider's right to a
hearing, for dealing with provider concerns re-
lating to the denial of credentialling for not
meeting the objective credentialling standards of
the plan and the contractual relationship between
the carrier and the provider. The superintendent
shall determine whether the process provided by
a carrier is fair and reasonable. This procedure
must be specified in every contract between a
carrier and a provider or between a carrier and a
provider network if a carrier does not contract
with providers individually.

D. A carrier shall make credentialling decisions, including those granting or denying credentials, within 60 days of receipt of a completed credentialling application from a provider. The time period for granting or denying credentials may be extended upon written notification from the carrier within 60 days following submission of a

completed application stating that information contained in the application requires additional time for verification. All credentialing decisions must be made within 180 days of receipt of a completed application. For the purposes of this paragraph, an application is completed if the application includes all of the information required by the uniform credentialing application used by carriers and providers in this State, such attachments to that application as required by the carrier at the time of application and all corrections required by the carrier. A carrier shall review the entire application before returning it to the provider for corrections with a comprehensive list of all corrections needed at the time the application is first returned to the provider. A carrier may not require that a provider have a home address within the State before accepting an application.

Sec. 2. Rulemaking. The Department of Professional and Financial Regulation, Bureau of Insurance may amend Bureau of Insurance Rule Chapter 850, Health Plan Accountability, to conform to the requirements of this Act. Notwithstanding the Maine Revised Statutes, Title 24-A, section 4309, rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 109

S.P. 240 - L.D. 676

An Act Regarding Mortuary Trusts

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

Sec. 1. 24-A MRSA §2420, sub-§3-A is enacted to read:

3-A. Upon receiving notice of a revocation of an assignment of a life insurance policy pursuant to this section, an insurer shall notify the assignee of the policy that the insured or owner has revoked the assignment. The insurer shall also notify the assignee if any cash value of the policy has been distributed at the time of revocation. Notice must be sent to the assignee within 30 days. An insurer is deemed to have complied with this subsection if that insurer has mailed notice by first class mail to the last known mailing address of the assignee.

Sec. 2. 32 MRSA §1401, sub-§1, as amended by PL 1999, c. 590, §1, is further amended by amending the first paragraph to read:

1. Plan requirements. Any Except as provided in subsection 1-A, any prearranged funeral or burial plan contracted or undertaken within this State must comply with the following.

Sec. 3. 32 MRSA §1401, sub-§1-A is enacted to read:

1-A. Plan funded with proceeds of life insurance policy. A prearranged funeral or burial plan agreement may be funded with proceeds of a life insurance policy in accordance with this subsection.

A. During a person's lifetime, a person or that person's legal representative may enter into an agreement that services will be performed or personal property will be delivered in connection with the disposition of that person's body after death by:

(1) Assigning the mortuary trustee as owner and beneficiary of a life insurance policy payable to the mortuary trustee upon that person's death; or

(2) Designating the mortuary trustee as a beneficiary of a life insurance policy payable to the mortuary trustee upon that person's death.

B. An agreement under paragraph A must be in writing and a copy must be furnished to the person or the person's legal representative by the mortuary trustee when the agreement is executed. The agreement may be revocable or irrevocable; however, if the agreement is irrevocable, there must be a provision to allow for the transfer of the trust account by the appointment of successor trustees. The agreement must clearly state terms providing for disposition of excess funds after funeral goods and services have been provided. The agreement must clearly state any fees that may be charged against the trust account. Fees must be reasonable, as defined by the board, and may be charged only:

(1) Upon transfer of a trust account by the appointment of a successor trustee;

(2) Upon revocation of the agreement if the agreement is revocable; and

(3) For the actual financial and tax administration of the trust account.

C. The mortuary trustee shall maintain a complete record of a trust account established under this subsection. The record must be available for inspection by the person, the person's legal representative, the commissioner's designee or an inspector for the board.