

# MAINE STATE LEGISLATURE

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**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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

**CHAPTER 157****S.P. 298 - L.D. 902****An Act To Create Equality in  
Medicare Supplement Insurance  
Policies****Be it enacted by the People of the State of  
Maine as follows:****Sec. 1. 24-A MRSA §5002-B, sub-§§1 and  
2,** as enacted by PL 1999, c. 36, §4, are amended to  
read:**1. Persons provided continuity of coverage.**

This section provides continuity of coverage for a person who has a Medicare supplement policy and seeks coverage under a new Medicare supplement policy with the same or lesser benefits if:

~~A. That person was previously covered under a Medicare supplement policy, including a person entitled to Medicare benefits due to disability, has been covered under a policy that supplemented benefits under Medicare with no gap in coverage greater than 90 days beginning with the person's open enrollment period. A policy supplementing benefits payable under Medicare may include an individual health policy, a group health plan, a Medicare supplement policy or other coverage issued by the same or a different carrier. For purposes of this section, the Medicare supplement policy under which the person is seeking coverage is the "succeeding policy." The Medicare supplement policy that previously covered the person is the "prior policy";~~

~~B. Coverage under the prior Medicare supplement policy terminated within 90 days before the date the person applies for the succeeding policy; and~~

~~C. The prior policy was issued during the insured's open enrollment period or was issued to replace another Medicare supplement policy and the insured had continuous coverage beginning in the insured's open enrollment period with no gap in coverage in excess of 90 days. For purposes of this section, any Medicare supplement policy that covered the person before the prior policy is an "earlier policy."~~

**2. Prohibition against discontinuity.** The insurer shall, for any person described in subsection 1, waive any medical underwriting or preexisting conditions exclusion to the extent that benefits would have been payable under the prior Medicare supplement policy and any earlier Medicare supplement policy if those policies were still in effect. This subsection does not require the succeeding insurer to

pay any benefits that are not within the terms of coverage of the succeeding policy solely because they would have been paid by the prior policy.

**Sec. 2. 24-A MRSA §5010-A,** as amended by PL 1993, c. 547, §5, is further amended to read:

**§5010-A. Coverage of the disabled**

An issuer offering coverage under a Medicare supplement policy in this State shall offer coverage under its standardized plans to all individuals, regardless of age, who are entitled to Medicare benefits due to disability. An issuer shall offer such coverage during an individual's open enrollment period under any of the policies offered by the issuer to persons eligible for Medicare benefits due to age. An issuer shall also offer standardized Medicare Supplement Plan A to persons entitled to Medicare benefits due to disability during the guaranteed issue period as set forth in section 5012. An individual who is entitled to Medicare benefits due to disability must be provided continuity of coverage in accordance with section 5002-B. Issuers shall give notice of Medicare supplement coverage to individuals enrolled in Medicare in advertising of Medicare supplement policies intended for use in this State. By January 1, 1994, the superintendent shall establish rules to ensure that the notice of the availability of coverage for the disabled is sufficiently advertised.

See title page for effective date.

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**CHAPTER 158****S.P. 354 - L.D. 1023****An Act To Criminalize  
Noncompliance with an Interstate  
Compact for Adult Offender  
Supervision****Be it enacted by the People of the State of  
Maine as follows:****Sec. 1. 17-A MRSA c. 54-E** is enacted to  
read:**CHAPTER 54-E****VIOLATION OF INTERSTATE COMPACT****§1347. Violation of interstate compact for adult  
offender supervision**

A person is guilty of a Class D crime if that person, after being convicted of a crime and sentenced in a state that is a member of an interstate compact for adult offender supervision and subsequently released on probation or parole, resides in this State without