

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

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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

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.

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

complying with the requirements of the interstate compact as enacted by the sentencing state.

See title page for effective date.

CHAPTER 159

H.P. 675 - L.D. 918

An Act Concerning the Provision of Information and Services to Businesses and Workers in Response to Certain Events

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to ensure the most efficient and effective response possible by the State to the events in the Katahdin region regarding the Great Northern Paper, Inc. paper mills; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §13056, sub-§5, ¶C, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is amended to read:

C. Market the State of Maine and its communities as suitable areas for business development; ~~and~~

Sec. 2. 5 MRSA §13056, sub-§6, ¶B, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is amended to read:

B. Other community planning and development assistance programs of the State Planning Office; ~~and~~

Sec. 3. 5 MRSA §13056, sub-§7, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is amended to read:

7. Contract for services. When contracting for services, ~~the department,~~ to the maximum extent feasible, ~~shall~~ seek to use the State's private sector resources in conducting studies, providing services and preparing publications; ~~and~~

Sec. 4. 5 MRSA §13056, sub-§8 is enacted to read:

8. Lead agency for business assistance in response to certain events. Be the lead agency for the State to provide information and business assistance to employers and businesses as part of the State's response to an event that causes the Department of Labor to carry out rapid-response activities as described in 29 United States Code, Sections 2801 to 2872 (2002).

Sec. 5. Department of Labor to develop directory. The Department of Labor, within 90 days from the effective date of this Act, shall develop a directory of relevant and appropriate agencies and organizations whose resources could be beneficial to laid-off workers. The directory must be made available to employers and others involved in developing community responses to small or large events involving layoffs of workers.

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

Effective May 14, 2003.

CHAPTER 160

H.P. 857 - L.D. 1160

An Act To Amend the Membership of the Maine Fire Protection Services Commission

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this Act expands membership of the Maine Fire Protection Services Commission to provide a broader representation of emergency service organizations and Legislators on the commission; and

Whereas, it is urgent that the expanded membership of the Maine Fire Protection Services Commission be effective immediately in order to better fulfill pressing responsibilities related to homeland security and other duties of the commission; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,