

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.

Penmor Lithographers
Lewiston, Maine
2003

~~and provided that any person against whom a subpoena may be issued shall have an opportunity for hearing before the subpoena is issued.~~

See title page for effective date.

CHAPTER 202

H.P. 1095 - L.D. 1502

An Act To Clarify the Exclusion of Assumed Reinsurance from Policy Claims Priority

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

Sec. 1. 24-A MRSA §4379, sub-§3, as amended by PL 2001, c. 88, §12, is further amended to read:

3. Loss claims. All claims under policies for losses incurred, including ~~third-party~~ 3rd-party claims, and all claims against the insurer for liability for bodily injury or for injury to or destruction of tangible property that are not under policies, except the first \$200 of losses otherwise payable to any claimant under this subsection. All claims under life insurance policies and annuity contracts, whether for death proceeds, annuity proceeds or investment values, must be treated as loss claims. Claims may not be cumulated by assignment to avoid application of the \$200 deductible provision. That portion of any loss for which indemnification is provided by other benefits or advantages recovered or recoverable by the claimant may not be included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligations of support or by way of succession at death or as proceeds of life insurance, or as gratuities. No payment made by an employer to an employee may be treated as a gratuity. Any provider or member claims for covered services under a health maintenance organization contract, including a point-of-service contract, not paid under subsection 1 are included in this class. Obligations of an insolvent insurer arising out of reinsurance contracts are excluded from this subsection.

See title page for effective date.

CHAPTER 203

S.P. 510 - L.D. 1522

An Act To Establish Fee Caps under the Maine Insurance Code

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

Sec. 1. 24-A MRSA §601, as amended by PL 2001, c. 47, §1, is further amended to read:

§601. Fee schedule

The superintendent shall collect, and persons so served shall pay to the superintendent, the fees, licenses and miscellaneous charges as follows set forth in this section. The superintendent may adopt rules establishing the fees and charges in different amounts from those specified under this section, except that the amount of any such fee or charge may not exceed the cap established in this section. In the absence of such rules, the maximum amounts set forth in this section apply. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

1. Certificate of authority. Insurer's certificate of authority fees ~~are~~ may not exceed:

- A. For filing application for initial certificate of authority, including all documents submitted as part of the application. If an applicant requests deferral and new data filings respecting the application are required, a fee in equal amount is required upon the filing of the new information \$1,000;
- B. Issuance, and each annual continuation \$100; and
- C. Reinstatement, under section 415 \$350;

2. Charter documents, other than those filed with application for certificate of authority. The fee: for filing by an insurer for a reservation of a name; in addition to any other fee, a late filing of any information required to be filed by a licensee; registration of a branch location; and filing any amendment to certificate of organization, articles or certificate of incorporation, charter, bylaws, power of attorney, as to reciprocal insurers, and other constituent documents of the insurer ~~is~~ may not exceed \$25;

3. Annual statement. Filing annual statement of insurer, payable annually may not exceed \$100;

5. Producers. Producers' license and appointment fees ~~are~~ may not exceed:

- A. Issuance fee for original resident producer license, including limited license \$30;
- B. Appointment of resident producer, each insurer, health maintenance organization, fraternal benefit society, nonprofit hospital or medical service organization, viatical settlement provider or risk retention group \$30;