

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;

Biennial fee for appointment, each insurer, health maintenance organization, fraternal benefit society, nonprofit hospital or medical service organization, viatical settlement provider or risk retention group \$30;

C. Temporary license issuance fee \$50;

E. Issuance fee for original nonresident producer license \$70;

Appointment of such producer, each insurer, health maintenance organization, fraternal benefit society, nonprofit hospital or medical service organization, viatical settlement provider or risk retention group \$70;

Biennial fee for appointment, each insurer, health maintenance organization, fraternal benefit society, nonprofit hospital or medical service organization, viatical settlement or provider risk retention group \$70;

F. Issuance fee for resident agency license \$30;

Biennial fee \$30;

Biennial fee for appointment, each insurer, health maintenance organization, fraternal benefit society, nonprofit hospital or medical service organization, viatical settlement provider or risk retention group \$30;

G. Issuance fee or nonresident agency license \$70;

Biennial fee \$70;

Biennial fee for appointment, each insurer, health maintenance organization, fraternal benefit society, nonprofit hospital or medical service organization, viatical settlement provider or risk retention group \$70; and

H. Issuance fee for resident independent producer authority \$70;

Biennial continuation \$70;

Issuance fee for nonresident, independent producer authority \$150;

Biennial continuation \$150.

7. Consultants. Consultant license fees ~~are~~ may not exceed:

A. Issuance fee for original resident consultant license \$50;

Biennial fee \$50;

B. Issuance fee for original nonresident consultant license \$100;

Biennial fee \$100;

C. Issuance fee for resident consultant agency license \$50;

Biennial fee \$50; and

D. Issuance fee for nonresident consultant agency license \$100;

Biennial fee \$100.

8. Adjusters. Adjuster license fees ~~are~~ may not exceed:

A. Issuance fee for original resident adjuster license \$30;

Biennial fee \$30;

B. Issuance fee for original nonresident adjuster license \$60;

Biennial fee \$60;

C. Temporary license \$50;

D. Issuance fee for resident adjuster agency license \$30;

Biennial fee \$30; and

E. Issuance fee for nonresident adjuster agency license \$60;

Biennial fee \$60.

9-A. Application. Application for license fees ~~are~~ may not exceed:

A. Application filing fee, other than consultants \$15; and

B. Consultant application filing fee \$25.

10. Vending machines. Insurance vending machines fees ~~are~~ may not exceed:

Issuance fee for license, each machine \$100; and

Biennial continuation of license, each machine \$100.

11. Rating organizations and advisory organizations. Rating organizations and advisory organizations fees ~~are~~ may not exceed:

Original license issuance fee \$200; and

Biennial continuation of license \$200.

13. Copies of certificates. Certified copy of insurer certificate of authority or other license issued under this Title may not exceed \$10.

14. Copies of other documents. Copies of other documents on file in the bureau: reasonable charge as fixed by the superintendent; and for certifying and fixing official seal may not exceed \$10.

16. Self-insurance authorization. Fees applicable to each self-insurer, individual or group, seeking authorization or authorized to operate a workers' compensation self-insurance plan may not exceed:

A. For filing application for initial authorization, including all documents submitted as part of the application \$1,000;

A-1. For filing application for authority to self-insure under Title 39-A, section 403, subsection 16, including all documents submitted as part of the application \$500;

B. Authorization and each annual continuation \$300; and

C. Filing yearly report of self-insurer \$100.

If a self-insurer terminates the plan or otherwise does not continue to self-insure, the fee applicable to filing of yearly reports must apply to that period in which the making of these reports is mandated.

17. Rules, rates and forms filings. Rate filings, rating rules filings, insurance policy, forms, riders, endorsements and certificate filings may not exceed \$20.

18. Third-party administrators. Third-party administrators license fees are may not exceed:

A. Original issuance fee \$100; and

B. Annual renewal fee \$100.

19. Purchasing group registrations. Purchasing group registration fees are may not exceed:

A. Original issuance fee \$100; and

B. Annual renewal fee \$100.

20. Preferred provider arrangement administrator. Preferred provider arrangement administrator fees are may not exceed:

A. Original registration issuance fee \$100; and

B. Annual renewal fee \$100.

21. Reinsurance intermediary. Reinsurance intermediary issuance fees and renewal fees are may not exceed:

A. Original license issuance fee \$50; and

B. Annual continuation \$50.

22. Managing general agents. Managing general agents fees are may not exceed:

A. Original registration fee \$100; and

B. Annual continuation of registration fee \$100.

23. Continuing education vendors and courses. Filing fees for continuing education courses and vendors are may not exceed:

A. Filing fee for each continuing education vendor \$100;

B. Biennial continuation of approval \$100; and

C. Filing fee for original approval of each continuing education course \$20.

24. Multiple-employer welfare arrangements. Applications for authorization may not exceed \$500.

25. Transferees of structured settlement payment rights. Transferees of structured settlement payment rights registration fees are may not exceed:

A. Original issuance fee \$100; and

B. Annual renewal fee \$100.

26. Accreditation as reinsurer. Application fee for accreditation as reinsurer may not exceed \$500.

See title page for effective date.

CHAPTER 204

H.P. 1099 - L.D. 1506

An Act To Make Technical Changes to Statutes Regarding Regulatory Boards and Registrations

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

PART A

Sec. A-1. 9 MRSA §5010, as amended by PL 1981, c. 456, Pt. A, §36, is further amended to read:

§5010. Annual report by commissioner

The commissioner shall annually, prior to ~~February~~ December 1st, make a report to the Governor and the Legislature on the activities of charitable organizations within this State, based on the information filed under this chapter.