

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

3. Review fee. The Department of Human Services or the municipality or unorganized territory may charge a review fee not to exceed \$50.

See title page for effective date.

CHAPTER 309

H.P. 381 - L.D. 492

An Act To Encourage Agricultural Cooperative Associations To Provide Group Health Plans

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

Whereas, group health plans sponsored by agricultural associations located outside of this State provide health insurance to enrollees living in this State; and

Whereas, changes to the law are necessary to prevent enrollees living in this State from losing their health insurance coverage; and

Whereas, this legislation clarifies the grievance procedure that must be available to enrollees in this State who have coverage through out-of-state agricultural cooperative association group health plans; 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. 24-A MRSA §4303, sub-§4, ¶D is enacted to read:

D. Notwithstanding this subsection, a group health plan sponsored by an agricultural cooperative association located outside of this State that provides health insurance coverage to members of one or more agricultural cooperative associations located within this State may employ a grievance procedure for enrollees in the group health plan that meets the requirements of the state in which the group health plan is located if enrollees in the group health plan that reside in this State have the right to independent external review in accordance with section 4312 following any adverse health care treatment decision. Any difference in the grievance procedure re-

quirements between those of the state in which the group health plan is located and those of this State must be limited to the number of days required for notification of prior authorization for nonemergency services and the number of days required for the issuance of a decision following the filing of an appeal of an adverse health care treatment decision. Enrollees in the group health plan that reside in this State must be notified as to the grievance procedure used by the group health plan and their right to independent external review in accordance with section 4312.

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

Effective May 27, 2003.

CHAPTER 310

S.P. 438 - L.D. 1347

An Act To Clarify the Authority of the Attorney General To Seek Restitution and To Require the Superintendent of Insurance To Investigate Certain Insurance Practices

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

Sec. 1. 24-A MRSA §214, sub-§2, as amended by PL 1973, c. 585, §12, is further amended to read:

2. If the superintendent has reason to believe that any person has violated any provision of this Title, or of other law as applicable to insurance operations, for which criminal prosecution is provided and would be in order, ~~he~~ the superintendent shall give the information relative thereto to the Attorney General. The Attorney General shall promptly institute such action or proceedings, including, but not limited to, actions or proceedings to seek restitution, against ~~such~~ that person as in ~~his~~ the Attorney General's opinion the information may require or justify.

Sec. 2. Report on insurance practices. The Superintendent of Insurance shall prepare a report that addresses the market conditions for property and casualty insurance in this State with a particular emphasis on homeowners' insurance and commercial insurance coverage for small businesses.

1. At a minimum, the report must include:

A. An assessment of recent market trends in those lines of insurance;

B. The identification of problem areas or issues within the market for those lines of insurance and suggestions to address those areas or issues based on a review of other states' responses to similar issues;

C. The identification of specific trends within those lines of insurance related to:

- (1) Changes in policy forms;
- (2) Underwriting and rating practices;
- (3) Nonrenewal and cancellation hearings held before the Bureau of Insurance; and
- (4) Complaints made to the Bureau of Insurance by type of insurance;

D. The identification and review of factors that are influencing underwriting and rating practices used by insurers in this State for those lines of insurance;

E. A summary of information gathered at public hearings; and

F. A suggested framework for ongoing data collection and market analysis for those lines of insurance.

2. In preparing the report, the Superintendent of Insurance shall use the following methodology.

A. The superintendent shall conduct 4 public hearings in different locations throughout the State. The purpose of the hearings is to provide an overview of the insurance market in this State, to gather public comment on problems and issues related to property and casualty insurance and to provide information relating to consumer assistance available from the Bureau of Insurance.

B. The superintendent may contract with outside consultants to assist with preparation of the report. If outside consultants are utilized, the costs must be absorbed within the Bureau of Insurance's existing budgeted resources.

C. To the extent possible, the superintendent shall review and analyze requests made to the Bureau of Insurance in 2001, 2002 and 2003 for cancellation and nonrenewal hearings pursuant to the Maine Insurance Code.

3. The Superintendent of Insurance shall submit the report no later than January 5, 2004 to the Joint Standing Committee on Insurance and Financial Services. The committee may report out legislation to the Second Regular Session of the 121st Legislature to

address issues related to the market conditions for property and casualty insurance.

See title page for effective date.

CHAPTER 311

S.P. 470 - L.D. 1420

An Act To Allow the Maine Turnpike Authority To Allow the Purchase of Nontoll Services by Electronic Toll Collection Patrons

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

Sec. 1. 23 MRSA §1965, sub-§1, ¶T, as amended by PL 1993, c. 612, §4, is further amended to read:

T. Take all other lawful action necessary and incidental to these powers; ~~and~~

Sec. 2. 23 MRSA §1965, sub-§1, ¶U, as enacted by PL 1993, c. 612, §5, is amended to read:

U. Adopt rules, in accordance with the Maine Administrative Procedure Act, to establish a logo signing program on the turnpike. The authority may charge fees for signs that contain names, symbols, logos or other identifiers of specific commercial enterprises. This paragraph may not be interpreted as limiting the authority's general power to collect fees under paragraph H; ~~and~~

Sec. 3. 23 MRSA §1965, sub-§1, ¶V is enacted to read:

V. Develop programs whereby a patron of the turnpike who uses the authority's electronic toll collection system, as defined in section 1980, subsection 1, paragraph B, may elect to use the patron's electronic toll collection system device to pay for services other than tolls for the use of the turnpike, whether those services are provided by the authority itself or 3rd parties, and allow the patron to participate in similar programs developed by other tolling authorities.

See title page for effective date.
