

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

**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**  
**2004**

other formal proceedings prior to finally adopting this rule in accordance with this resolve; and be it further

**Sec. 2. Sand dune stakeholder meeting. Resolved:** That the Commissioner of Environmental Protection and the Commissioner of Conservation shall convene a meeting of sand dune stakeholders by May 15, 2004 to consider the following issues:

1. A comprehensive statewide beach nourishment policy that establishes priority areas and evaluates public and private funding sources, implementation time frames and public access easements;
2. Wildlife and wildlife habitat management in the sand dune system;
3. A program for voluntary acquisition of storm-damaged properties or properties for dune enhancement or public access;
4. Improved state coastal hazard mitigation plans to direct federal spending;
5. Improved and increased public and private voluntary hazard mitigation programs;
6. Reconstruction of buildings in the frontal dune and v-zone;
7. Removal of the existing prohibition of the use of outdated v-zone maps; and
8. Regulatory incentives to encourage construction or reconstruction outside of the frontal dune; and be it further

**Sec. 3. Statewide beach nourishment policy. Resolved:** That by January 17, 2005, the Department of Environmental Protection shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the progress of the sand dune stakeholder meetings and shall submit draft revised sand dune rules and a statewide beach nourishment policy; and be it further

**Sec. 4. Recommendations. Resolved:** That by January 16, 2006, the Department of Environmental Protection shall submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters recommendations on a state acquisition program, wildlife habitat management initiatives and removal of the existing prohibition of the use of outdated v-zone maps; and be it further

**Sec. 5. Revised sand dune rules. Resolved:** That by January 16, 2006, the Department of Environmental Protection shall provisionally adopt and submit to the Legislature revised sand dune rules. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised

Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

**Sec. 6. Repeal. Resolved:** That the rules authorized pursuant to section 1 of this resolve are repealed April 1, 2006.

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

Effective April 14, 2004.

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## CHAPTER 131

### H.P. 1388 - L.D. 1865

#### **Resolve, Regarding Legislative Review of Chapter 755: Health Insurance Classifications, Disclosure and Minimum Standards, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance**

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 755: Health Insurance Classifications, Disclosure and Minimum Standards, a provisionally adopted major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A is authorized only if the following changes are made.

1. In Section 4(K) with regard to the definition of preexisting condition, the look-back period for a preexisting condition is changed from 12 months to 24 months.

2. In Section 5(A) with regard to prohibited policy provisions, language is added to clarify that that section is not intended to restrict the use of elimination periods for disability income benefits.

3. In Section 6(A) with regard to minimum standards for health insurance benefits generally, language is added to permit an insurer to void or contest a policy or deny claims for a sickness first manifested before the effective date of the policy that was fraudulently not disclosed or fraudulently misrepresented in an application for coverage.

4. In Section 6(A)(8) with regard to minimum standards for health insurance benefits generally, the maximum time period between the date of an accident and the date of loss is shortened from 180 days to 90 days for accidental death and dismemberment benefits and from 90 days to 30 days for disability coverage.

5. In Section 6(H) with regard to minimum standards for individual disability income protection coverage, the maximum elimination period is changed from 365 days to 730 days in cases of coverage having a benefit period of more than 2 years, and the shortest permissible maximum benefit period is changed from 6 months to 3 months.

6. In Section 6(J)(2)(c) with regard to specified disease coverage, language is added to provide an exception for lump-sum benefits based on diagnosis of a specified disease.

7. In Section 6(J)(4) and Section 6(J)(5) with regard to specified disease coverage, language is added to permit the Superintendent of Insurance to approve different minimum benefits for cancer coverage on an expense-incurred basis or a per diem indemnity basis if the superintendent determines that the minimum benefits are in the interest of the consumer.

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

Effective April 14, 2004.

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**CHAPTER 132**

**H.P. 1415 - L.D. 1914**

**Resolve, Regarding Legislative Review of Chapter 302: Rules for the Maine Microenterprise Initiative, a Major Substantive Rule of the Department of Economic and Community Development**

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

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 302: Rules for the Maine Microenterprise Initiative, a provisionally adopted major substantive rule of the Department of Economic and Community Development that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is modified as follows:

1. Section 2, 2nd full paragraph is amended to restore the original grant amounts of \$150,000 and \$75,000, which the rule had proposed to change to \$175,000 and \$100,000; and

2. Section 3, 2nd full paragraph is amended to add language providing that preference will be given to proposals from businesses with 5 or fewer employees.

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

Effective April 14, 2004.

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