

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

B. The insurer effects the offset of benefits within 60 days of notice to the insurer, or such later date as the insurer begins paying benefits to the insured, that the insured is receiving or is entitled to receive income that may result in a reduction of benefits payable under the policy;

C. The overpayment did not result from the insurer's miscalculation of benefit reductions or the insurer's miscalculation of benefits payable under the policy; and

D. The insurer provided the insured with clear and conspicuous written notice that accurately explains to the insured all types of other sources of income that may result in a reduction of the benefits payable under the policy within 30 days of the date a claim for disability benefits was filed.

Sec. 2. 24-A MRSA §2829-A, as enacted by PL 2003, c. 321, §2, is repealed and the following enacted in its place:

§2829-A. Disability benefit offsets

1. Disclosure to persons eligible for coverage.

For any policy or contract subject to this chapter that provides disability income benefits, if the benefits under that policy or contract are subject to reduction due to other sources of income, then the insurer shall include in any written enrollment material and certificate of coverage developed by the insurer that is intended to be distributed to persons eligible for coverage under the policy or contract a clear and conspicuous notice that accurately explains all types of other sources of income that may result in a reduction of the benefits payable under the policy or contract. The notice requirement under this section does not apply to an advertisement intended for the general public.

2. Recovery of disability benefit overpayments. For claims filed after January 1, 2006, an insurer that is entitled to reduce disability income benefit payments when the insured receives income from other sources and that is entitled to recover overpayments through offsets against current payments to the insured may not recover such overpayments at a rate greater than 20% of the net benefit per benefit payment period unless:

A. For policies applied for after September 13, 2003, the insurer has complied with the requirements of subsection 1;

B. The insurer effects the offset of benefits within 60 days of notice to the insurer, or such later date as the insurer begins paying benefits to the insured, that the insured is receiving or is en-

itled to receive income that may result in a reduction of benefits payable under the policy;

C. The overpayment did not result from the insurer's miscalculation of benefit reductions or the insurer's miscalculation of benefits payable under the policy; and

D. The insurer provided the insured with clear and conspicuous written notice that accurately explains to the insured all types of other sources of income that may result in a reduction of the benefits payable under the policy within 30 days of the date a claim for disability benefits was filed.

See title page for effective date.

CHAPTER 43

H.P. 278 - L.D. 376

An Act To Enhance Uniformity of Insurance Producer Licensing

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

Sec. 1. 24-A MRSA §1416-A, sub-§2, as enacted by PL 2001, c. 259, §18, is amended to read:

2. Biennial license continuation fees. Each nonresident adjuster and consultant must be billed by the superintendent a biennial fee as provided in section 601 and shall pay the fee due by January 1st of even-numbered years. ~~Each nonresident producer with an independent producer authority must be billed by the superintendent a biennial fee as provided in section 601 and shall pay the fee due by February 1st of odd-numbered years.~~ Each nonresident business entity must be billed by the superintendent a biennial fee as provided in section 601 and shall pay the fee due by April 1st of odd-numbered years. Each resident adjuster, and consultant ~~and producer with independent producer authority~~ must be billed by the superintendent a biennial fee as provided in section 601 and shall pay the fee due by October 1st of even-numbered years. Each resident business entity must be billed by the superintendent a biennial fee as provided in section 601 and shall pay the fee due by December 1st of even-numbered years.

Sec. 2. 24-A MRSA §1420-F, sub-§1, ¶J, as enacted by PL 2001, c. 259, §24, is repealed.

Sec. 3. 24-A MRSA §1482, as amended by PL 1997, c. 592, §45, is further amended to read:

§1482. Educational requirements

As a prerequisite to maintaining a license, licensees must complete ~~30 hours of a~~ continuing education requirement every 2 years in programs or courses approved by the superintendent. The superintendent may establish by rule the amount of continuing education credit hours, not to exceed 30 hours, required under this section. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. The superintendent may, for good cause shown, grant an extension of time to any person to allow that person to comply with this subchapter.

See title page for effective date.

CHAPTER 44

S.P. 228 - L.D. 691

An Act To Provide Public Health Protection Authority to the Department of Marine Resources

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

Sec. 1. 12 MRSA §6171-C is enacted to read:

§6171-C. Protection of public health

1. Commissioner's powers. The commissioner may, with the advice and consent of the Marine Resources Advisory Council, adopt or amend such rules as the commissioner considers necessary to protect public health.

2. Emergency rules. The commissioner may adopt or amend rules under the emergency procedures if immediate action is necessary to protect public health.

3. Procedure. The procedures of subchapter 2 must be used in adopting or amending rules authorized by this section.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 12 MRSA §6172, sub-§1-B is enacted to read:

1-B. Advisory council. Notwithstanding section 6171-C, the advice and consent of the Marine Resources Advisory Council is not required prior to adoption of a rule under this section.

Sec. 3. 12 MRSA §6192, sub-§1, ¶A, as amended by PL 2003, c. 248, §5, is further amended to read:

A. In an emergency adoption of a rule or amendment to a rule relating to the public health and safety, including rules authorized under ~~sections 6171-C and 6172~~, prior public notice and hearing is not required.

See title page for effective date.

CHAPTER 45

S.P. 314 - L.D. 906

An Act To Amend the Laws Regarding the Licensure of Dentists, Dental Hygienists and Denturists

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

Sec. 1. 32 MRSA §1074, as amended by PL 1993, c. 600, Pt. A, §60, is further amended to read:

§1074. Affiliation with American Association of Dental Examiners

The board may affiliate with the American Association of Dental Examiners or its successor as an active member and pay regular dues to that association and may send one or more delegates to the meetings of the American Association of Dental Examiners or its successor. These delegates are entitled to receive compensation provided for in section 1071.

Sec. 2. 32 MRSA §1085, as amended by PL 2003, c. 669, §6, is further amended to read:

§1085. Endorsement; fees

The board is authorized, at its discretion, without the examination as provided, to issue a license to an applicant who furnishes proof, satisfactory to the board, that the applicant has been licensed to practice dentistry in another state or a Canadian province after full compliance with the requirements of its dental laws. If an applicant is licensed to practice dentistry in another state or a Canadian province, that applicant's professional education may not be less than is required in this State and the applicant must have been at least 3 years in actual practice in the state or Canadian province in which the license was granted. Applicants for licensure by endorsement who meet the requirements of this section must be interviewed in person by the board or members of the board, prior to being issued a license. The personal interview may be waived at the board's discretion based upon proof of overseas military deployment; however, the applicant shall submit to an interview by telephone or the equivalent as determined by the board. Every license of this type issued by the board must state upon its face the grounds upon which it is issued and the