

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

State may upon application by an interested party file a certificate of revival in a form or format prescribed by the Secretary of State for reviving the domestic limited partnership.

2. Certificate of revival. The certificate of revival must include:

A. The name of the domestic limited partnership and its original date of organization;

B. The name of the domestic limited partnership's registered agent and the address of its registered agent at the time of dissolution;

C. The name and address of the party or parties requesting the revival;

D. The purpose or purposes for which revival is requested; and

E. The time period needed to complete the purpose or purposes specified under paragraph D.

3. Notice of revival. The Secretary of State shall issue a notice to the domestic limited partnership to the address provided in subsection 2, paragraph C stating that the revival has been granted for the purpose or purposes and for the time period specified pursuant to the certificate of revival filed under this subsection.

4. Termination of revival. When the time period specified in subsection 2, paragraph E has expired, the Secretary of State shall issue a notice to the domestic limited partnership at the address provided in subsection 2, paragraph C that the status of the limited partnership has returned to the status prior to filing the certificate of revival under this section.

Sec. 38. 31 MRSA §1460, sub-§19, as enacted by PL 2005, c. 543, Pt. C, §2, is amended to read:

19. Late filing penalty. For failing to deliver an annual report by its due date, in addition to the annual report filing fee, a fee of \$50; and

Sec. 39. 31 MRSA §1460, sub-§20 is enacted to read:

20. Certificate of revival after dissolution. Certificate of revival after dissolution for a domestic limited partnership, as provided in section 1401-A, a fee of \$150.

Sec. 40. Effective date. Those sections of this Act that enact the Maine Revised Statutes, Title 31, section 1034, subsection 5; and section 1323, last paragraph; section 1401-A; and section 1460, subsection 20 take effect July 1, 2007.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved except as otherwise indicated.

Effective June 5, 2007, unless otherwise indicated.

CHAPTER 232

S.P. 678 - L.D. 1865

An Act To Amend the Long-term Care Insurance Law

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

Sec. 1. 24-A MRSA §5076, sub-§4, as enacted by PL 1999, c. 292, §2, is amended to read:

4. Field-issued policies or certificates. A long-term care insurance policy or certificate may not be field-issued based on medical or health status if the compensation to the field issuer is based on the number of policies or certificates issued. For the purposes of this subsection, "field-issued" means a policy or certificate issued by an agent a producer or a 3rd-party administrator pursuant to the underwriting authority granted to the agent producer or 3rd-party administrator by an insurer using the insurer's underwriting guidelines.

Sec. 2. 24-A MRSA §5078, as enacted by PL 1999, c. 292, §2, is amended to read:

§5078. Rulemaking

The superintendent shall adopt rules to promote premium adequacy, to protect a policyholder and a certificate holder in the event of substantial rate increases and to establish minimum standards for marketing practices, insurance producer compensation, insurance producer education, insurance producer testing, penalties and reporting practices for long-term care insurance. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Sec. 3. 24-A MRSA §5081 is enacted to read:

§5081. Producer training requirements

1. Training required. An individual may not sell, solicit or negotiate long-term care insurance unless:

A. The individual is licensed as a life or health insurance producer;

B. The individual has completed a one-time training course that is no less than 8 hours in length; and

C. The individual completes ongoing training of no less than 4 hours every 24 months thereafter.

An individual licensed as a life or health insurance provider and who is actively selling, soliciting or negotiating long-term care insurance as of the effective date of this section must complete a one-time training course by July 1, 2008 and ongoing training every 24 months thereafter in order to continue selling, soliciting or negotiating long-term care insurance.

The training required by this subsection must meet the requirements set forth in subsection 2. The training requirements of subsection 2 may be approved as continuing education courses under chapter 16, subchapter 7.

2. Content of training. The one-time training required by this section must consist of topics related to long-term care insurance, long-term care services and, if applicable, qualified state long-term care insurance partnership programs, including, but not limited to:

A. State and federal regulations and requirements and the relationship between the Long-term Care Partnership Program established in Title 22, section 3174-GG and other public and private coverage of long-term care services, including Medicaid;

B. Available long-term care services and providers;

C. Changes or improvements in long-term care services or providers;

D. Alternatives to the purchase of private long-term care insurance;

E. The effect of inflation on benefits and the importance of inflation protection; and

F. Consumer suitability standards and guidelines.

The training required by this section may not include training that is specific to an insurer or company product or that includes any sales or marketing information, materials or training other than that required by state or federal law.

3. Verification. An insurer shall:

A. Obtain verification that a producer has received training required by this section before the producer may sell, solicit or negotiate the insurer's long-term care insurance products;

B. Maintain records of the verification under paragraph A for at least 3 years; and

C. Make verification records available to the superintendent upon request.

4. Records. An insurer shall maintain records with respect to the training of its producers concerning the distribution of its partnership policies that will

allow the superintendent to provide assurance to the Department of Health and Human Services that producers have received the training required by this section and that its producers have demonstrated an understanding of the partnership policies and their relationship to public and private coverage of long-term care, including Medicaid, in this State. The records must be maintained for a period of at least 3 years after each producer has received the training required by this section and must be made available to the superintendent upon request.

5. Reciprocity. The satisfaction of training requirements in this section in another state is considered to satisfy the training requirements in this section.

See title page for effective date.

CHAPTER 233

H.P. 889 - L.D. 1261

An Act To Clarify Intermittent Leave under the Family Medical Leave Laws

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

Sec. 1. 26 MRSA §843, sub-§4-B is enacted to read:

4-B. Reduced leave schedule. "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Sec. 2. 26 MRSA §844, sub-§1, as amended by PL 1997, c. 515, §1, is further amended to read:

1. Family medical leave entitlement. Every employee who has been employed by the same employer for 12 consecutive months is entitled to up to 10 ~~consecutive~~ work weeks of family medical leave in any 2 years unless employed at a permanent work site with fewer than 15 employees. The following conditions apply to family medical leave granted under this subchapter:

A. The employee must give at least 30 days' notice of the intended date upon which family medical leave will commence and terminate, unless prevented by medical emergency from giving that notice;

B. The employer may require certification from a physician to verify the amount of leave requested by the employee, except that an employee who in good faith relies on treatment by prayer or spiritual means, in accordance with the tenets and practice of a recognized church or religious denomination, may submit certification from an ac-