

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

acted pursuant to Title 30, section 6209-B, subsection 1, paragraph A or B.

Sec. 3. 19-A MRSA §1653, sub-§6-B, ¶A, as enacted by PL 2005, c. 366, §3, is amended to read:

A. Has been convicted of an offense listed in ~~Title 19-A, section 1653,~~ subsection 6-A, paragraph A in which the victim was a minor at the time of the offense and the person was at least 5 years older than the minor at the time of the offense except that, if the offense was gross sexual assault under Title 17-A, section 253, subsection 1, paragraph B or C, or an offense in another jurisdiction that involves conduct that is substantially similar to that contained in Title 17-A, section 253, subsection 1, paragraph B or C, and the minor victim submitted as a result of compulsion, the presumption applies regardless of the ages of the person and the minor victim at the time of the offense; or

Sec. 4. 19-A MRSA §1803, sub-§8, ¶A, as enacted by PL 2005, c. 366, §4, is amended to read:

A. Has been convicted of an offense listed in ~~Title 19-A, section 1653,~~ subsection 6-A, paragraph A in which the victim was a minor at the time of the offense and the grandparent was at least 5 years older than the minor at the time of the offense except that, if the offense was gross sexual assault under Title 17-A, section 253, subsection 1, paragraph B or C, or an offense in another jurisdiction that involves conduct that is substantially similar to that contained in Title 17-A, section 253, subsection 1, paragraph B or C, and the minor victim submitted as a result of compulsion, the presumption applies regardless of the ages of the grandparent and the minor victim at the time of the offense; or

Sec. 5. 22 MRSA §4005-E, sub-§3, ¶A, as amended by PL 2007, c. 371, §2, is further amended to read:

A. Has been convicted of an offense listed in Title 19-A, section 1653, subsection 6-A, paragraph A in which the victim was a minor at the time of the offense and the relative was at least 5 years older than the minor at the time of the offense except that, if the offense was gross sexual assault under Title 17-A, section 253, subsection 1, paragraph B or C, or an offense in another jurisdiction that involves conduct that is substantially similar to that contained in Title 17-A, section 253, subsection 1, paragraph B or C, and the minor victim submitted as a result of compulsion, the presumption applies regardless of the ages of the relative and the minor victim at the time of the offense; or

Sec. 6. 22 MRSA §4035, sub-§2-A, ¶A, as enacted by PL 2005, c. 366, §7, is amended to read:

A. That the person seeking custody or contact with the child would create a situation of jeopardy for the child if any contact were to be permitted and that contact is not in the best interest of the child if the court finds that the person:

(1) Has been convicted of an offense listed in Title 19-A, section 1653, subsection 6-A, paragraph A in which the victim was a minor at the time of the offense and the person was at least 5 years older than the minor at the time of the offense except that, if the offense was gross sexual assault under Title 17-A, section 253, subsection 1, paragraph B or C, or an offense in another jurisdiction that involves conduct that is substantially similar to that contained in Title 17-A, section 253, subsection 1, paragraph B or C, and the minor victim submitted as a result of compulsion, the presumption applies regardless of the ages of the person and the minor victim at the time of the offense; or

(2) Has been adjudicated in an action under Title 22, chapter 1071 of sexually abusing a person who was a minor at the time of the abuse.

The person seeking custody or contact with the child may produce evidence to rebut the presumption; and

See title page for effective date.

CHAPTER 514

H.P. 1450 - L.D. 2066

**An Act To Clarify the Laws
Governing the Extension of
Health Care Coverage to
Dependents**

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

Sec. 1. 24-A MRSA §2742-B, sub-§1, ¶B, as enacted by PL 2007, c. 115, §1 and affected by §5, is amended to read:

B. Has no dependent of the child's own; and

Sec. 2. 24-A MRSA §2742-B, sub-§1, ¶C, as enacted by PL 2007, c. 115, §1 and affected by §5, is amended to read:

C. Is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education; and

Sec. 3. 24-A MRSA §2742-B, sub-§1, ¶D, as enacted by PL 2007, c. 115, §1 and affected by §5, is repealed.

Sec. 4. 24-A MRSA §2742-B, sub-§2, as enacted by PL 2007, c. 115, §1 and affected by §5, is amended to read:

2. Offer of coverage. Notwithstanding section 2703, subsection 3, an individual health insurance policy that ~~provides~~ offers coverage for a dependent child must offer to ~~extend~~ such coverage, at the option of the policyholder, until the dependent child is 25 years of age. An insurer may require, as a condition of eligibility for ~~continued~~ coverage in accordance with this section, that a ~~covered~~ person seeking ~~continued~~ coverage for a dependent child provide written documentation on an annual basis that the dependent child meets ~~or continues to meet~~ the requirements in subsection 1.

Sec. 5. 24-A MRSA §2742-B, sub-§3 is enacted to read:

3. Notice. An insurer shall provide notice to policyholders regarding the availability of dependent coverage under this section upon each renewal of coverage or at least once annually, whichever occurs more frequently. Notice provided under this subsection must include information about enrollment periods and notice of the insurer's definition of and benefit limitations for preexisting conditions.

This subsection is repealed January 1, 2012.

Sec. 6. 24-A MRSA §2833-B, sub-§1, ¶B, as enacted by PL 2007, c. 115, §2 and affected by §5, is amended to read:

B. Has no dependent of the child's own; and

Sec. 7. 24-A MRSA §2833-B, sub-§1, ¶C, as enacted by PL 2007, c. 115, §2 and affected by §5, is amended to read:

C. Is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education; ~~and~~.

Sec. 8. 24-A MRSA §2833-B, sub-§1, ¶D, as enacted by PL 2007, c. 115, §2 and affected by §5, is repealed.

Sec. 9. 24-A MRSA §2833-B, sub-§2, as enacted by PL 2007, c. 115, §2 and affected by §5, is amended to read:

2. Offer of coverage. Notwithstanding section 2822, a group health insurance policy that ~~provides~~ offers coverage for a dependent child must offer to ~~extend~~ such coverage, at the option of the policyholder, until the dependent child is 25 years of age. An insurer may require, as a condition of eligibility for ~~continued~~ coverage in accordance with this section, that a ~~covered~~ person seeking ~~continued~~ coverage for a dependent child provide written documentation on an annual basis that the dependent child meets ~~or continues to meet~~ the requirements in subsection 1.

Sec. 10. 24-A MRSA §2833-B, sub-§3 is enacted to read:

3. Notice. An insurer shall provide notice to policyholders regarding the availability of dependent coverage under this section upon each renewal of coverage or at least once annually, whichever occurs more frequently. Notice provided under this subsection must include information about enrollment periods and notice of the insurer's definition of and benefit limitations for preexisting conditions.

This subsection is repealed January 1, 2012.

Sec. 11. 24-A MRSA §4233-B, sub-§1, ¶B, as enacted by PL 2007, c. 115, §4 and affected by §5, is amended to read:

B. Has no dependent of the child's own; and

Sec. 12. 24-A MRSA §4233-B, sub-§1, ¶C, as enacted by PL 2007, c. 115, §4 and affected by §5, is amended to read:

C. Is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education; ~~and~~.

Sec. 13. 24-A MRSA §4233-B, sub-§1, ¶D, as enacted by PL 2007, c. 115, §4 and affected by §5, is repealed.

Sec. 14. 24-A MRSA §4233-B, sub-§2, as enacted by PL 2007, c. 115, §4 and affected by §5, is amended to read:

2. Offer of coverage. An individual or group health maintenance organization contract that ~~provides~~ offers coverage for a dependent child shall offer to ~~extend~~ such coverage, at the option of the contract holder, until the dependent child is 25 years of age. An insurer may require, as a condition of eligibility for ~~continued~~ coverage in accordance with this section, that a ~~covered~~ person seeking ~~continued~~ coverage for a dependent child provide written documentation on an annual basis that the dependent child meets ~~or continues to meet~~ the requirements in subsection 1.

Sec. 15. 24-A MRSA §4233-B, sub-§3 is enacted to read:

3. Notice. A health maintenance organization shall provide notice to contract holders regarding the availability of dependent coverage under this section upon each renewal of coverage or at least once annually, whichever occurs more frequently. Notice provided under this subsection must include information about enrollment periods and notice of the insurer's definition of and benefit limitations for preexisting conditions.

This subsection is repealed January 1, 2012.

See title page for effective date.