

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

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

Augusta, Maine
2009

ing of the needs and abilities of disabled citizens of this State;

(4) Provide information, training and technical assistance to promote greater employer acceptance of disabled workers;

(5) Advise and assist employers and other organizations interested in developing employment opportunities for disabled people; and

(6) ~~Inform Work with state and local government officials, organizations representing persons with disabilities and the business community to inform~~ the public of the benefits of making ~~buildings facilities and services~~ accessible to and usable by individuals with disabilities; monitor the enforcement of state and federal laws regarding ~~architectural~~ accessibility; and advise and assist building owners by disseminating information about accessibility and by making technical assistance available when appropriate.

~~(a) A wheelchair symbol must be appropriately displayed to identify buildings with facilities that are accessible to disabled and elderly individuals; accessibility is determined by the committee.~~

~~(b) The symbol required in division (a) must be that adopted by the Rehabilitation International's World Congress in 1969.~~

~~(c) Application for display of the wheelchair symbol must be made by the committee, which shall obtain and keep on file a supply of symbols.~~

See title page for effective date.

CHAPTER 13

H.P. 136 - L.D. 157

An Act To Enhance Oversight of Fraternal Benefit Societies

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

Sec. 1. 24-A MRSA §12-A, sub-§4, as enacted by PL 1989, c. 269, §3, is amended to read:

4. Refunds of overcharges. In the event that any insurer, fraternal benefit society, nonprofit hospital service plan, nonprofit medical service plan, nonprofit health care plan, health maintenance organization or preferred provider organization makes charges to any person ~~which that~~ are not in conformity with a filing ~~which that~~ it is required to submit for approval or dis-

approval by this Title or Title 24, the superintendent may order that refunds of any overcharges be made.

Sec. 2. 24-A MRSA §2186, sub-§1, ¶B, as amended by PL 1999, c. 5, §1 and affected by §2, is further amended to read:

B. "Insurer" means an authorized insurance company, fraternal benefit society, reinsurer, surplus lines insurer, unauthorized insurer, nonprofit hospital and medical service organization, health maintenance organization, risk retention group or multiple employer welfare organization. "Insurer" also includes an insurance producer or other person acting on the behalf of an insurer. For the purposes of this section, "insurer" also means the state Medicaid program.

Sec. 3. 24-A MRSA §4126, sub-§6 is enacted to read:

6. Nothing in this section may be construed as limiting the superintendent's authority to take enforcement action under section 12-A in connection with violations of applicable provisions of this Title.

Sec. 4. 24-A MRSA §4127, as amended by PL 1977, c. 694, §432 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is repealed.

Sec. 5. 24-A MRSA §4127-A is enacted to read:

§4127-A. Suspension, revocation or refusal of license of foreign or alien society

The superintendent may suspend, revoke or refuse the license of a foreign or alien society transacting or applying to transact business in this State as set out in this section.

1. Investigation. If, upon investigation, the superintendent finds that a foreign or alien society transacting or applying to transact business in this State has exceeded its powers, has failed to comply with any of the provisions of this chapter, is not fulfilling its contracts in good faith or is conducting its business fraudulently or in a manner hazardous to its members or creditors or the public, the superintendent shall notify the society of the deficiency or deficiencies and state in writing the reasons that warrant suspension, revocation or refusal of the society's license. The notice must require that the deficiency or deficiencies be corrected.

After receipt of the notice, the society has 30 days to comply with the superintendent's request for correction, and if the society fails to comply, the superintendent shall notify the society of the findings of non-compliance and require the society to show cause, on a date set by the superintendent, why its license should not be suspended, revoked or refused. If on that date the society does not present good and sufficient reason why its authority to do business in this State should

not be suspended, revoked or refused, the superintendent may suspend or refuse the license of the society to do business in this State until satisfactory evidence is furnished to the superintendent that the suspension or refusal should be withdrawn or the superintendent may revoke the authority of the society to do business in this State.

2. Continue contracts. Nothing in this section may be construed as preventing any foreign or alien society from continuing in good faith all contracts made in this State during the time the society was legally authorized to transact business in this State.

3. Enforcement action. Nothing in this section may be construed as limiting the superintendent's authority to take enforcement action under section 12-A in connection with violations of applicable provisions of this Title.

Sec. 6. 24-A MRSA §4138, as amended by PL 2001, c. 421, Pt. B, §§91 and 92 and affected by Pt. C, §1, is repealed.

Sec. 7. 24-A MRSA §4138-A is enacted to read:

§4138-A. Enforcement; unfair methods of competition and unfair and deceptive acts and practices

A society authorized to do business in this State is subject to the provisions of section 12-A and chapter 23. Nothing in such provisions may be construed as applying to or affecting the right of any society to determine its eligibility requirements for membership or as applying to or affecting the offering of benefits exclusively to members or persons eligible for membership in the society by a subsidiary corporation or affiliated organization of the society or the offering of benefits only to its members.

Sec. 8. 24-A MRSA §4139, as enacted by PL 1969, c. 132, §1, is repealed.

See title page for effective date.

CHAPTER 14

S.P. 45 - L.D. 123

An Act Regarding the Electronic Submission of Filings

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

Sec. 1. 24-A MRSA §2304-A, sub-§1, as amended by PL 2007, c. 188, Pt. B, §1, is further amended to read:

1. Every insurer shall file with the superintendent, except as to inland marine risks, which by gen-

eral custom of the business are not written according to manual rates or rating plans, every manual rate, minimum premium, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing that it proposes to use. The filing must state the effective date of the filing and indicate the character and extent of the coverage contemplated. The filing must be made not less than 30 days in advance of the stated effective date unless that 30-day requirement is waived by the superintendent. ~~The effective date may be suspended by the superintendent for a period of time not to exceed 60 days, except that the effective date for filings made electronically may not be suspended. Filings made electronically must be acted~~ The superintendent shall act on a filing no later than 30 days from receipt unless an extension is requested by the filer. A filing required under this section must be made electronically in a format required by the superintendent unless exempted by rule adopted by the superintendent. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 24-A MRSA §2382-C, sub-§2, as enacted by PL 1991, c. 885, Pt. B, §12 and affected by §13, is further amended to read:

2. **Form and manner of filing.** Rates filed pursuant to this section must be filed in a form ~~and manner~~ prescribed by the superintendent. If a filing is not accompanied by the information the superintendent has required under this section, the superintendent shall notify the insurer as soon as possible and the filing is deemed as not made until the information is provided. A filing required under this section must be made electronically in a format required by the superintendent unless exempted by rule adopted by the superintendent. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 24-A MRSA §2412, sub-§2, as amended by PL 2003, c. 671, Pt. A, §2, is further amended to read:

2. Every filing must be made not less than 30 days in advance of any delivery. At the expiration of the 30 days, the form so filed is deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the superintendent. Approval of the form by the superintendent constitutes a waiver of any unexpired portion of the waiting period. ~~The superintendent may extend by not more than an additional 30 days the period within which the superintendent may affirmatively approve or disapprove any form, by giving notice to the insurer of the extension before expiration of the initial 30-day period, except that the effective date of a filing made electronically for a coverage under a health, life or annuity product may not be extended.~~ The superintendent shall act on a filing no later than 30 days from receipt unless an