

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

case of 3rd-party administrators, for health care for residents of this State, except that "paid claims" does not include:

- (1) Claims-related expenses and general administrative expenses;
- (2) Payments made to qualifying providers under a "pay for performance" or other incentive compensation arrangement if the payments are not reflected in the processing of claims submitted for services rendered to specific covered individuals;
- (3) Claims paid by carriers and 3rd-party administrators with respect to accidental injury, specified disease, hospital indemnity, dental, vision, disability income, long-term care, Medicare supplement or other limited benefit health insurance, except that claims paid for dental services covered under a medical policy are included;
- (4) Claims paid for services rendered to non-residents of this State;
- (5) Claims paid under retiree health benefit plans that are separate from and not included within benefit plans for existing employees;
- (6) Claims paid by an employee benefit excess insurance carrier that have been counted by a 3rd-party administrator for determining its access payment;
- (7) Claims paid for services rendered to persons covered under a benefit plan for federal employees; and
- (8) Claims paid for services rendered outside of this State to a person who is a resident of this State.

In those instances in which a health insurance carrier, employee benefit excess insurance carrier or 3rd-party administrator is contractually entitled to withhold certain amounts from payments due to providers of health and medical services in order to help ensure that the providers can fulfill any financial obligations they may have under a managed care risk arrangement, the full amounts due the providers before application of such withholds must be reflected in the calculation of paid claims.

4. Rulemaking. The board may adopt any rules necessary to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 24-A MRSA §6951, first ¶, as amended by PL 2007, c. 629, Pt. L, §5, is further amended to read:

The Maine Quality Forum, referred to in this subchapter as "the forum," is established within Dirigo

Health. The forum is governed by the board with advice from the Maine Quality Forum Advisory Council pursuant to section 6952. The forum must be funded, at least in part, through the savings offset payments made pursuant to former section 6913 and the health access surcharge payment pursuant to section ~~6913-A~~ 6917. Except as provided in section 6907, subsection 2, information obtained by the forum is a public record as provided by Title 1, chapter 13, subchapter 1. The forum shall perform the following duties.

Sec. 6. Changes to Dirigo Health. The Board of Trustees of Dirigo Health, or "the board," shall:

- 1. Develop products, procedures.** Develop more affordable products and procedures that can reach uninsured and underinsured residents of the State to reduce uncompensated care;
- 2. Maximize federal initiatives.** Use subsidies to maximize federal initiatives, including Medicaid and any national health reform;
- 3. Asset tests.** Determine the impact of asset tests on determining eligibility;
- 4. Voucher program.** Consider offering a voucher-based program to provide health insurance benefits; and
- 5. Redesign.** Redesign the DirigoChoice product or products.

The board shall report to the Joint Standing Committee on Insurance and Financial Services regarding changes that will be made to the Dirigo Health Program consistent with this section by January 1, 2010.

Sec. 7. Savings offset payments calculated prior to effective date. Notwithstanding that section of this Act that repeals the Maine Revised Statutes, Title 24-A, section 6913; the savings offset payments that have been calculated and required under former Title 24-A, section 6913 for claims paid prior to the effective date of this Act are due and payable in the same manner and subject to the same procedures set forth in former Title 24-A, section 6913.

Sec. 8. Effective date. This Act takes effect October 1, 2009.

Effective October 1, 2009.

CHAPTER 360

S.P. 548 - L.D. 1471

**An Act Concerning Debarment
from Contracts with the
Department of Environmental
Protection**

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

Sec. 1. 38 MRSA §349-B, sub-§1, ¶B is enacted to read:

B. "Business" means a corporation, business trust, trust, partnership, limited liability company, association, joint venture, firm, association, or organization or any other legal or commercial entity.

Sec. 2. 38 MRSA §349-B, sub-§1, ¶C is enacted to read:

C. "Direct financial interest" means ownership or part ownership of a business, including lands, stocks, bonds, debentures, warrants, partnership shares or other holdings, and also means any other arrangement where the individual may benefit from that individual's holding in or salary from that business. "Direct financial interest" includes employment, pensions, creditor relationships, real property and other financial relationships.

Sec. 3. 38 MRSA §349-B, sub-§2, as enacted by PL 2007, c. 300, §1, is amended to read:

2. Debarment. The commissioner may, after hearing, debar from participation in contracts with the department for 2 years any ~~person~~ individual or business found to have committed a repeat violation when either the time for filing an appeal of the determination of that violation has expired or the appeals process has been exhausted.

A. If an individual is debarred under this section, any business in which that individual holds a direct financial interest may also be debarred if the commissioner finds that the individual is in a position to substantially influence the business's compliance with the laws and rules administered by the department.

B. If a business is debarred under this section:

(1) Any individual that holds a direct financial interest in that debarred business may also be debarred if the commissioner finds that the individual knew or should have known of the actions or inactions upon which the debarment of the business is based and was or is in a position to substantially influence the debarred business's compliance with the laws and rules administered by the department; and

(2) Any other business that holds a direct financial interest in that debarred business may also be debarred if the commissioner finds that either business was or is in a position to substantially influence compliance by the

other business with the laws and rules administered by the department.

See title page for effective date.

CHAPTER 361

H.P. 980 - L.D. 1401

An Act To Make Minor Substantive Changes to the Tax Laws

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

Sec. 1. 27 MRSA §511, sub-§2, as enacted by PL 2007, c. 539, Pt. WW, §1, is amended to read:

2. Certification. The director shall certify information necessary for applicants to demonstrate eligibility for an income tax credit under Title 36, section 5219-BB, including, but not limited to:

A. That rehabilitations of certified historic structures are consistent with the United States Secretary of the Interior's Standards for Rehabilitation; and

B. That historic structures are listed in or are eligible for listing in the National Register of Historic Places or are in certified local districts; and

~~C. The amount of qualified rehabilitation expenditures associated with each project for which an income tax credit will be claimed.~~

When performing the certification required by this subsection, the director shall interpret the provisions of this subsection in a manner consistent with the provisions of the federal Internal Revenue Code, Section 47.

Sec. 2. 30-A MRSA §4722, sub-§1, ¶BB, as amended by PL 2007, c. 645, §2, is further amended to read:

BB. Make a loan, or contract with a financial institution to make a loan on behalf of the Maine State Housing Authority, to pay off an existing loan or to pay amounts past due on an existing loan on an owner-occupied single-family residence to assist a homeowner who is in default of the existing loan or in danger of losing the residence through foreclosure. Prior to receiving a loan under this paragraph, a homeowner must receive counseling with a 3rd-party, nonprofit organization approved by the United States Department of Housing and Urban Development, a housing financing agency of this State or the regulatory agency that has jurisdiction over the creditor; and