

# 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.**

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**Augusta, Maine**  
**2009**

between an insurer and a 3rd party, are public records ~~except as provided by~~ notwithstanding Title 1, section 402, subsection 3, paragraph B and become part of the official record of any hearing held pursuant to subsection 2-B, ~~paragraphs~~ paragraph B or F.

**Sec. D-2. 24-A MRSA §2808-B, sub-§6,** ~~¶A~~, as amended by PL 2001, c. 410, Pt. A, §6, is further amended to read:

A. Each carrier must actively market small group health plan coverage, including any standardized plans required to be offered pursuant to subsection 8-A, to eligible groups in this State.

**Sec. D-3. 24-A MRSA §2808-B, sub-§8-A** is enacted to read:

**8-A. Authority of the superintendent.** The superintendent may by rule define one or more standardized small group health plans that must be offered by all carriers offering small group health plans in the State. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. D-4. Superintendent of Insurance report.** The Superintendent of Insurance shall review possible ways to improve the availability and affordability of the State's individual health insurance market, including, but not limited to, increases in the minimum loss-ratio standards applicable to that market and consideration of an insurer's loss experience in all lines of insurance marketed by a carrier in this State when reviewing health insurance rate filings. The superintendent shall report the results of the review, including any recommendations for legislation, to the Joint Standing Committee on Insurance and Financial Services no later than February 1, 2010. The joint standing committee may report out a bill based on the report to the Second Regular Session of the 124th Legislature.

## PART E

**Sec. E-1. 24-A MRSA §221, sub-§5** is enacted to read:

**5. Examination of health carriers.** The superintendent shall examine the market conduct of each domestic health carrier, as defined in section 4301-A, subsection 3, and each foreign health carrier with at least 1,000 covered lives in this State, offering a health plan as defined in section 4301-A, subsection 7, no less frequently than once every 5 years. An examination under this subsection may be comprehensive or may target specific issues of concern observed in the State's health insurance market or in the company under examination. In lieu of an examination conducted by the superintendent, the superintendent may participate in a multistate examination, or, in the case of a foreign company, approve an examination by the

company's domiciliary regulator upon a finding that the examination and report adequately address relevant aspects of the company's market conduct within this State.

**Sec. E-2. Transition.** The Superintendent of Insurance shall begin conducting the market conduct examinations required by the Maine Revised Statutes, Title 24-A, section 221, subsection 5 during calendar year 2010, and all health carriers subject to the examination requirement must be examined at least once before January 1, 2015.

## PART F

**Sec. F-1. 24-A MRSA §4303, sub-§7-A** is enacted to read:

**7-A. Continuity of prescriptions.** If an enrollee has been undergoing a course of treatment with a prescription drug by prior authorization of a carrier and the enrollee's coverage with one carrier is replaced with coverage from another carrier pursuant to section 2849-B, the replacement carrier shall honor the prior authorization for that prescription drug and provide coverage in the same manner as the previous carrier until the replacement carrier conducts a review of the prior authorization for that prescription drug with the enrollee's prescribing provider. Policies must include a notice of the right to request a review with the enrollee's provider, and the replacing carrier must honor the prior carrier's authorization for a period not to exceed 6 months if the enrollee's provider participates in the review and requests the prior authorization be continued. The replacing carrier is not required to provide benefits for conditions or services not otherwise covered under the replacement policy, and cost sharing may be based on the copayments and coinsurance requirements of the replacement policy.

See title page for effective date.

## CHAPTER 440

### H.P. 1043 - L.D. 1488

#### An Act To Provide Free Admission to State Parks to All Maine Veterans

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period in order to be in effect for the upcoming summer season; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following

legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §1819-A**, as amended by PL 2009, c. 220, §1, is further amended to read:

**§1819-A. Day use passes for certain veterans**

Notwithstanding section 1819, the commissioner shall enter into a memorandum of agreement with the Department of Defense, Veterans and Emergency Management for the issuance of a free day use pass to state parks and historic sites to each veteran determined by the Department of Defense, Veterans and Emergency Management to meet the criteria established in Title 37-B, section ~~6~~ 8. The pass entitles the holder, ~~and the holder's spouse and children when accompanied by the holder,~~ to admission free of charge to all state parks and historic sites ~~for the period described in Title 37-B, section 6. This section is repealed June 30, 2015.~~

**Sec. 2. 12 MRSA §10853, sub-§13**, as enacted by PL 2005, c. 268, §2, is amended to read:

**13. Certain veterans.** The commissioner shall enter into a memorandum of agreement with the Department of Defense, Veterans and Emergency Management for the issuance of a free resident hunting license and a free resident fishing license to each veteran determined by the Department of Defense, Veterans and Emergency Management to meet the criteria established in Title 37-B, section ~~6~~ 9 and other criteria for issuance of licenses. Each license is valid for the period described in Title 37-B, section ~~6~~ 9. This subsection is repealed June 30, 2010.

**Sec. 3. 37-B MRSA §6**, as amended by PL 2009, c. 220, §3 and affected by §5, is repealed.

**Sec. 4. 37-B MRSA §7**, as enacted by PL 2009, c. 220, §4, is amended to read:

**§7. Issuance of free day use pass to active military personnel**

The Commissioner of Defense, Veterans and Emergency Management, in accordance with a memorandum of agreement entered into with the Commissioner of Conservation and this section, shall issue a free day use pass to state parks and historic sites to eligible active duty military personnel.

**1. Eligibility.** The Department of Defense, Veterans and Emergency Management shall determine, based on an examination of an individual's military identification, whether the following criteria are met:

- A. The person's home of residence is this State; and

B. The person is serving in an enlisted grade in the armed forces as defined in 10 United States Code, Section 101(a)(4).

**2. Duration of passes.** A pass issued in accordance with this section is valid for 12 months from the date of issuance and may be renewed upon verification of continuing eligibility.

**3. Responsibilities of commissioner.** The Commissioner of Defense, Veterans and Emergency Management shall identify a point of contact within the department to issue passes in accordance with this section and the memorandum of agreement entered into with the ~~Department~~ Commissioner of Conservation. The ~~commissioner~~ Commissioner of Defense, Veterans and Emergency Management shall periodically report to the Department of Conservation with a listing of the names and addresses of all persons receiving passes to state parks and historic sites and the expiration dates for those passes.

**Sec. 5. 37-B MRSA §8** is enacted to read:

**§8. Issuance of free day use pass to veterans**

The Commissioner of Defense, Veterans and Emergency Management, in accordance with a memorandum of agreement entered into with the Commissioner of Conservation and this section, shall issue a free day use pass to state parks and historic sites to eligible veterans.

**1. Eligibility.** The Department of Defense, Veterans and Emergency Management shall determine, based on an examination of an individual's discharge certificate from active duty services, also known as the DD214, whether the following criteria are met:

A. The person is a resident of this State; and

B. The person received an honorable discharge or general discharge under honorable conditions.

**2. Responsibilities of commissioner.** The Commissioner of Defense, Veterans and Emergency Management shall identify a point of contact within the department to issue passes in accordance with this section, Title 12, section 1819-A and the memorandum of agreement entered into with the Commissioner of Conservation. The Commissioner of Defense, Veterans and Emergency Management shall periodically report to the Department of Conservation with a listing of the names and addresses of all persons receiving passes to state parks and historic sites and the beginning dates for those passes. A pass issued under this section does not expire and is valid for the lifetime of the holder.

**Sec. 6. 37-B MRSA §9** is enacted to read:

**§9. Issuance of free fishing license and free hunting license to veterans**

The Commissioner of Defense, Veterans and Emergency Management, in accordance with a memorandum of agreement entered into with the Commissioner of Inland Fisheries and Wildlife and this section, shall issue a free fishing license and free hunting license to eligible veterans who meet other criteria of the Department of Inland Fisheries and Wildlife for the issuance of licenses.

**1. Eligibility.** The Department of Defense, Veterans and Emergency Management shall determine, based on an examination of an individual's discharge certificate from active duty services, also known as the DD214, whether the following criteria are met:

A. The person is a resident of this State;

B. The person received an honorable discharge or general discharge under honorable conditions; and

C. Between October 1, 2001 and January 1, 2010, while a member of the Maine National Guard or an active or reserve member of the uniformed services as defined in 10 United States Code, Section 101(a)(5), the person served for a minimum of 3 continuous months outside the United States either:

(1) On an operational mission for which members of the reserve were ordered to active duty; or

(2) During a period of war declared by the United States Congress or a period of national emergency declared by the President of the United States or Congress.

**2. Duration of licenses.** A license issued in accordance with this section is valid for a minimum of 12 months from the date of an eligible veteran's discharge from active duty. The memorandum of agreement between the commissioners may allow issuance of licenses for a period longer than 12 months.

**3. Responsibilities of commissioner.** The Commissioner of Defense, Veterans and Emergency Management shall identify a point of contact within the department to issue licenses in accordance with this section and the memorandum of agreement entered into with the Commissioner of Inland Fisheries and Wildlife. The Commissioner of Defense, Veterans and Emergency Management shall periodically report to the Department of Inland Fisheries and Wildlife with a listing of the names and addresses of all persons receiving fishing licenses and hunting licenses and the expiration dates for those licenses.

**4. Repeal.** This section is repealed June 30, 2010.

**Sec. 7. Transition.** A free day use pass to state parks and historic sites issued to a veteran in accor-

dance with the Maine Revised Statutes, Title 37-B, section 6 prior to June 30, 2010 is valid for free admission for the veteran and that veteran's spouse and children when they are accompanying the pass holder until the expiration date on the pass. A pass issued after the effective date of this Act entitles only the veteran to free day use admission.

The Commissioner of Defense, Veterans and Emergency Management shall accept requests for passes under Title 37-B, section 8 on the effective date of this Act and begin issuing the new passes no later than 6 months after the effective date of this Act. Pending issuance of the passes by the Department of Defense, Veterans and Emergency Management pursuant to Title 37-B, section 8, state parks and historic sites shall grant free day use admission to a veteran upon the veteran's good faith production of easily recognizable identification, including but not limited to discharge papers and license plates.

**Sec. 8. Authority to submit legislation.**

The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation to the Second Regular Session of the 124th Legislature regarding the issuance of free day use passes to veterans.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 18, 2009.

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**CHAPTER 441**

**H.P. 34 - L.D. 39**

**An Act To Enhance Motorcycle Safety**

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

**Sec. 1. 23 MRSA §1352** is enacted to read:

**§1352. Installation of rumble strip signs**

The department shall install signs on any state highway where centerline rumble strips are located to inform a driver that the driver is approaching a rumble strip. The signs must be placed in advance of the centerline rumble strip for both directions of travel where passing is permitted at a location to be determined by the department. The lettering, style, colors, size and format of the sign must comply with the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration under 23 Code of Federal Regulations, Part 655, Subpart F as adopted by the department.

See title page for effective date.

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