

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

A qualifying member may designate a beneficiary to receive benefits upon the qualifying member's death by filing a written designation of beneficiary with the executive director. The last designation of any beneficiary revokes all previous designations. In order to be in effect, the written designation must be received by the retirement system office or be postmarked before the qualifying member's death.

Sec. 21. 5 MRSA §18658, sub-§1, as amended by PL 1993, c. 386, §5, is further amended to read:

1. Employees insured. ~~All employees~~ Each employee shall complete an application for insurance coverage within 31 days of becoming eligible. Each employee who completes an application and is found eligible for basic insurance under this subchapter ~~are automatically is~~ insured for the ~~amounts amount~~ of basic coverage applicable under this subchapter, beginning on the first day of the month following one month of employment after the employee becomes eligible. ~~Each employee shall complete an application for insurance coverage within 31 days of becoming eligible.~~

A. The employee shall indicate the types of coverage elected.

B. ~~If an application is completed in a timely manner the employee elects coverage within 31 days of the employee's first becoming eligible, any and elects coverage in addition to basic, that additional coverage becomes effective on the first day of the month following one month of employment after the employee becomes eligible.~~

C. ~~If an application is not completed the employee does not elect coverage within 31 days of the employee's first becoming eligible, the employee may subsequently apply for supplemental and dependent insurance coverage but must produce evidence of insurability at the employee's own expense and in accordance with the requirements of the insurance underwriter.~~

Sec. 22. 5 MRSA §18658, sub-§2, ¶D, as enacted by PL 2007, c. 17, §2 and affected by §3, is repealed.

Sec. 23. 5 MRSA §18658, sub-§5 is enacted to read:

5. Employee on leave of absence. Insurance coverage for an employee on an authorized leave of absence is governed as follows.

A. An employee who, during a period of an unpaid leave of absence, continues to pay premiums due for the period of the leave continues to be covered. Coverage for an employee who, during the period of the leave, does not pay the premiums due ceases at the end of the period covered by the last premium paid.

B. Notwithstanding paragraph A, an employee who, during a period of unpaid military leave of absence, does not continue coverage while on unpaid military leave must be reinstated to the levels of coverage in effect immediately prior to the unpaid military leave. A request for reinstatement by the employee must be made within 31 days of the employee's return to work following unpaid military leave. An employee who wants to be reinstated and who does not apply for reinstatement within 31 days of the employee's return to work from unpaid military leave must produce evidence of insurability at the employee's own expense and in accordance with the requirements of the insurance underwriter.

See title page for effective date.

CHAPTER 450

H.P. 1155 - L.D. 1573

An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics

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

Sec. 1. 32 MRSA §1084, as amended by PL 2003, c. 669, §4, is further amended by adding at the end a new paragraph to read:

The board may issue a limited biennial license to a dentist who has retired from the regular practice of dentistry for the purposes of permitting the dentist to practice solely in a nonprofit dental clinic without any remuneration for work performed at the clinic. The applicant must furnish proof satisfactory to the board that the applicant has been licensed to practice dentistry in this State and is in good standing with the board or, if the applicant was licensed to practice dentistry in another state or a Canadian province, that the applicant's professional education is no less than is required in this State and the applicant is in good standing and not subject to disciplinary action in the state or Canadian province in which the license was granted. The fee for a limited biennial license and renewal of a limited biennial license is \$75.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Administrative Services - Professional and Financial Regulation 0094

Initiative: Allocates one-time funds to update the licensing system for the new license type.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$2,500	\$0
	\$2,500	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL		

Dental Examiners - Board of 0384

Initiative: Allocates one-time funds for the costs associated with rulemaking.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$2,500	\$0
	\$2,500	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL		

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS	\$5,000	\$0
	\$5,000	\$0
DEPARTMENT TOTAL - ALL FUNDS		

See title page for effective date.

**CHAPTER 451
H.P. 1168 - L.D. 1583**

**An Act To Provide Oversight
in Certain Negotiations**

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

Sec. 1. 24-A MRSA §4303, sub-§15 is enacted to read:

15. Prohibition on "most favored nation" clauses. Participation agreements between carriers and providers are governed by this subsection.

A. A participation agreement between a carrier and a provider may not include a provision, commonly referred to as a "most favored nation" clause, that:

(1) Prohibits, or grants the carrier an option to prohibit, the provider from entering into a participation agreement with another carrier to provide services at a lower price than the payment specified in the participation agreement;

(2) Requires, or grants the carrier an option to require, the provider to accept a lower payment in the event the provider agrees to provide services to any other carrier at a lower price;

(3) Requires, or grants the carrier an option of, termination or renegotiation of the existing participation agreement in the event the provider agrees to provide services to any other carrier at a lower price; or

(4) Requires the provider to disclose its reimbursement rates from other carriers.

B. The superintendent may grant a waiver to paragraph A on application by either a carrier or a provider. A carrier or provider requesting a waiver for more than one participation agreement must file a separate application for each requested waiver. The superintendent may grant a waiver only after issuing a finding that the inclusion in the participation agreement of a most favored nation clause as described in paragraph A is not anticompetitive. A carrier or provider requesting a waiver may request a hearing on the application for a waiver in accordance with section 229. The findings and decision of the superintendent are final agency actions for the purposes of Title 5, chapter 375, subchapter 7 and, notwithstanding section 236, subsection 2, may be appealed regardless of whether a hearing was held. The superintendent's review under this paragraph is limited to the most favored nation clause, and any decision under this paragraph is for purposes of this subsection only and may not be construed as a finding or decision regarding the legality of the provision under other applicable law.

C. Prior to the issuance of the superintendent's findings and decision on an application for a waiver pursuant to this subsection, any contract, proposal or draft legal instrument submitted to the superintendent in an application for a waiver is not a public record for the purposes of Title 1, chapter 13, except that the name and business address of the parties to an application for a waiver are public information. After the issuance of the superintendent's findings and decision, the superintendent may disclose any information that the superintendent determines is not proprietary information. For the purposes of this paragraph, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would