

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

The benchmarks developed by the commission must provide 2 discrete levels for the state share of the individual premium as follows.

A. For employees whose base annual rate of pay is ~~projected to be~~ less than or equal to \$30,000 on July 1st of the state fiscal year for which the premium contribution is being determined, the health credit premium program must provide the individual employee meeting the specified benchmarks with the opportunity to have the state share of the individual premium paid at 100% or 95%. The state share is determined by the specific benchmarks met by the employee.

B. For employees whose base annual rate of pay is ~~projected to be~~ greater than \$30,000 and less than \$80,000 on July 1st of the state fiscal year for which the premium contribution is being determined, the health credit premium program must provide the individual employee meeting the specified benchmarks with the opportunity to have the state share of the individual premium paid at 95% or 90%. The state share is determined by the specific benchmarks met by the employee.

C. For employees whose base annual rate of pay is ~~projected to be~~ \$80,000 or greater on July 1st of the state fiscal year for which the premium contribution is being determined, the health credit premium program must provide the individual employee meeting the specified benchmarks with the opportunity to have the state share of the individual premium paid at 90% or 85%. The state share is determined by the specific benchmarks met by the employee.

See title page for effective date.

## CHAPTER 277

### S.P. 384 - L.D. 1102

#### An Act Regarding Reconstruction of Residential Structures on Sand Dunes

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

**Whereas,** routine technical rules regarding reconstruction of an existing structure in a frontal dune were adopted by the Department of Environmental Protection in 2012, pursuant to Public Law 2011, chapter 538; and

**Whereas,** changes in the conditions for approval of reconstruction of an existing structure on a frontal sand dune are needed before the summer building sea-

son in order to avoid harm to the coastal sand dune system; 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.** PL 2011, c. 538, §15 is repealed.

**Sec. 2. Repeal of current rules.** The Department of Environmental Protection shall repeal rules adopted pursuant to Public Law 2011, chapter 538, section 15.

**Sec. 3. Coastal sand dune rulemaking.** The Department of Environmental Protection may adopt rules allowing for the reconstruction of an existing residential building whose entire footprint is in a back dune to be relocated in a frontal dune on the same lot on which the building is located if:

1. The existing residential building:

A. Is a permanent structure;

B. Existed in a back dune on the lot and was landward of an existing seawall prior to June 8, 2006;

C. Was originally constructed in a back dune after August 1, 1983, in accordance with a permit issued by the department under the Natural Resources Protection Act; and

D. Is not severely damaged by wave action from an ocean storm;

2. The entire residential building when reconstructed:

A. Is landward of an existing seawall;

B. Has a footprint that is 2,500 square feet or less, that is not located in a V-zone as identified on the effective Flood Insurance Rate Maps issued by the Federal Emergency Management Agency and that does not exceed 20% of the total area of the lot. The land area within the V-zone may not be included as part of the lot for purposes of this paragraph and up to 500 square feet of additional development may occur on the lot in order to provide parking and access, including handicap access;

C. Is elevated on posts as required in rules of the department regarding sand and water movement; and

D. Is no more than 35 feet in height, except that it may exceed 35 feet for the sole purpose of meet-

ing the elevation requirements in rules of the department regarding sand and water movement;

3. The lot on which the residential building is reconstructed:

A. Was a deeded lot of record as of August 1, 1983;

B. Is not precluded from development by any other federal, state or local requirements; and

C. Has an adjacent lot on each of its sides, along the length of the frontal dune, that contains a residential building that is located within 100 feet of the lot line and that existed on January 1, 2003; and

4. Relocation of the residential building on the frontal dune is minimized to the extent practicable, as determined by the department.

In approving reconstruction or relocation as authorized under this section, the rules may require sand dune mitigation and enhancement measures, including, but not limited to, restoring the dune topography and elevating the crest of the sand dune to at least one foot above the 100-year floodplain or wave run-up level and enhancing with native vegetation the portions of the lot that are not covered by buildings or parking areas.

Notwithstanding the Maine Revised Statutes, Title 38, section 480-AA, the initial rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A and may be adopted by the Commissioner of Environmental Protection in accordance with Title 38, section 341-H, subsection 2. Any amendments to the rules adopted pursuant to this section are major substantive rules and may be adopted by the Board of Environmental Protection in accordance with Title 38, section 341-H, subsection 1.

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

Effective June 18, 2013.

## CHAPTER 278

### S.P. 312 - L.D. 891

#### **An Act To Create Uniform Claims Paying Practices in Long-term Care Insurance Policies**

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

**Whereas,** Maine seniors with long-term care insurance are experiencing delays in receiving claims payments from insurers; and

**Whereas,** delays in claims payments are causing undue stress on seniors; and

**Whereas,** this legislation establishes notice requirements and specific time periods in which insurers are required to pay claims once all necessary documentation supporting the claims is submitted; and

**Whereas,** it is necessary for this legislation to take effect immediately to provide relief to those seniors with long-term care insurance; 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. 24-A MRSA §2436, sub-§6** is enacted to read:

6. This section does not apply to a claim for payment of benefits under a policy or certificate of long-term care insurance delivered or issued for delivery in this State.

**Sec. 2. 24-A MRSA §5083** is enacted to read:

#### **§5083. Payment of claims**

**1. Notice of claim for benefits; response by insured.** Notwithstanding any other provision of this Title, upon receipt of a notice of claim for benefits under a policy or certificate of long-term care insurance delivered or issued for delivery in this State, an insurer, whether actively marketing or renewing long-term care insurance in this State, shall provide the insured a written statement with sufficient detail to permit the insured to understand and respond with the documentation specified in subsection 2. The written statement must be provided by the insurer within 10 business days following receipt of the notice of claim. For purposes of this section, "insured" includes a person designated by the insured as the insured's representative.

**2. Documentation.** The documentation an insurer may require of an insured for the payment of a claim for benefits under a policy or certificate of long-term care insurance includes, but is not limited to:

A. A statement from the insured making the claim for benefits;

B. A signed release permitting the insurer to obtain personal health care information about the insured pursuant to the federal Health Insurance Portability and Accountability Act of 1996;