

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.

Augusta, Maine
2013

C. A statement from the insured's physician, including the appropriate diagnosis and a treatment and care plan for the insured;

D. A statement from the long-term care provider rendering services to the insured, including an itemized bill for services, the provider's license number and any daily nursing notes; and

E. A copy of any power of attorney executed by the insured.

Except for information solely in the possession of the insured, the burden is on the insurer to obtain any information other than that described in paragraphs A to E that is reasonably necessary to pay or continue paying the claim. The insured has a continuing obligation to cooperate with the insurer in order for the insurer to obtain needed information.

3. Payment of claim. A claim for payment of benefits under a policy or certificate of long-term care insurance delivered or issued for delivery in this State is payable within 30 days after the documentation and information identified in subsection 2 as reasonably necessary to pay the claim for benefits have been received by the insurer. Within 30 days after receipt of that documentation and information, the insurer shall either pay the claim or issue a written notice to the insured declining to pay all or part of the claim and the specific reason for denial in accordance with this subsection.

A. An insurer may not extend the time for payment of a claim beyond 30 days after receipt of documentation and information related to a technical issue as designated in rules adopted by the bureau.

B. Except as provided in paragraph A, an insurer may delay payment of a claim and request additional documentation and information related to a substantive issue as designated in rules adopted by the bureau.

4. Ongoing claim. Except for information solely in the possession of the insured, if, during the course of an ongoing claim for benefits paid on a monthly or recurring basis, the insurer identifies the need for additional reasonable documentation to ensure the insured remains entitled to benefits under the policy or certificate of long-term care insurance, the burden is on the insurer to obtain that information. The insured has a continuing obligation to cooperate with the insurer in order for the insurer to obtain needed information.

5. Appeals of claims denials. An insured who receives a claims denial in accordance with this section has the right to internal appeal and, after exhausting an insurer's internal appeals process, the right to request an external review. The superintendent shall adopt rules to determine the standards for internal appeal and external review in a manner consistent with

model legislation adopted by the National Association of Insurance Commissioners, or its successor organization. The written notice to the insured declining to pay all or part of the claim as required by subsection 3 must include a statement informing the insured of the insured's rights to internal appeal and external review and a statement of the insured's right to seek assistance or file a complaint with the bureau and the toll-free telephone number of the bureau.

6. Interest on overdue claim. An undisputed claim that is not paid within 30 days is overdue. If an insurer fails to pay an undisputed claim or any undisputed part of the claim when due, the amount of the overdue claim or part of the claim bears interest at the rate of 1 1/2% per month after the due date.

7. Attorney's fees. Reasonable attorney's fees for advising and representing a claimant on an overdue claim or action for an overdue claim must be paid by the insurer if overdue benefits are recovered in an action against the insurer or if overdue benefits are paid after receipt of notice of the attorney's representation.

8. No limitation on action by insured. This section does not prohibit or limit any claim or action for a claim that the insured has against the insurer.

9. Rules. The superintendent may adopt or amend rules in order to carry out the purposes of this section. Rules adopted pursuant to this section, including amendments to existing rules designated as major substantive, are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Bureau of Insurance report; rules. By March 1, 2014, the Department of Professional and Financial Regulation, Bureau of Insurance shall submit a report to the Joint Standing Committee on Insurance and Financial Services on the rules adopted by the bureau as required by the Maine Revised Statutes, Title 24-A, section 5083.

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

Effective June 18, 2013.

CHAPTER 279

H.P. 653 - L.D. 929

An Act To Amend the Requirements for the Reporting of New Hires

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

Whereas, federal law mandates the Department of Health and Human Services to operate a state directory of new hires to which employers doing business in this State must report the hiring of a new employee; and

Whereas, federal law has recently been amended to require employers to also report the date a new employee begins work; and

Whereas, federal law has recently been amended to change the definition of a newly hired employee to include a person who had been previously employed by the same employer but separated from employment for 60 consecutive days; and

Whereas, it is necessary for state law to be amended as soon as possible to comply with the change to federal law; 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. 19-A MRSA §2154, sub-§1, as amended by PL 1997, c. 669, §2, is further amended to read:

1. Employment information; definition. ~~Upon notice by the department, an~~ An employer doing business in this State shall report to the department the hiring of a newly hired employee. For the purposes of this section, "newly hired employee" means a person who resides or works in this State to whom the employer anticipates paying earnings and who:

~~A. Hiring of a person who resides or works in this State to whom the employer anticipates paying earnings; and~~

~~B. Rehiring or return to work of an employee who was laid off, furloughed, separated, granted a leave without pay or terminated from employment.~~

C. Was previously employed by the employer but who has been separated from that prior employment for at least 60 consecutive days; or

D. Has not previously been employed by the employer.

Sec. 2. 19-A MRSA §2154, sub-§4, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

4. Report. An employer shall submit a report within 7 days of the ~~hiring, rehiring or return to work of the~~ date that services for remuneration are first per-

formed by a newly hired employee. The report must contain:

A. The employee's name, address, social security number ~~and~~, date of birth and the most recent date that services for remuneration were first performed by the employee; and

B. The employer's name, address and employment security reference number or unified business identifier number.

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

Effective June 18, 2013.

CHAPTER 280

S.P. 423 - L.D. 1225

An Act To Strengthen Maine's Wildlife Laws

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

Whereas, the feeding of bear, moose and wild turkey is creating a public safety hazard and having a detrimental effect on the bear, moose and wild turkey populations; and

Whereas, the open season on hunting bear begins on August 26th, bait to hunt bear may be placed beginning July 27th and hunters may train dogs on bear beginning July 1st; and

Whereas, Maine guides rely on bear hunting for their individual livelihoods, and communities in rural regions of the State depend on bear hunting for economic activity to help sustain their local economies; and

Whereas, migratory game bird hunting begins in October; and

Whereas, the importation and possession of wildlife requires immediate study; and

Whereas, the 90-day period will not end before the first events begin; 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: