

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

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

Augusta, Maine
2017

Upon complying with subsection 1, a victim of a crime of murder or of a Class A, Class B or Class C crime or of a Class D crime under chapters 9, 11 and 12 for which the defendant is committed to the Department of Corrections or to a county jail or is committed to the custody of the Commissioner of Health and Human Services either under Title 15, section 103 after having been found not criminally responsible by reason of insanity or under Title 15, section 101-D after having been found incompetent to stand trial must receive notice of the defendant's unconditional release and discharge from institutional confinement upon the expiration of the sentence or upon release from commitment under Title 15, section 101-D or upon discharge under Title 15, section 104-A and must receive notice of any conditional release of the defendant from institutional confinement, including probation, supervised release for sex offenders, parole, furlough, work release, funeral or deathbed visit, supervised community confinement, home release monitoring or similar program, administrative release or release under Title 15, section 104-A. For purposes of this section, "victim" also includes a person who has obtained under Title 19-A, section 4007 an active protective order or approved consent agreement against the defendant.

Sec. 2. 17-A MRSA §1175, sub-§1, as enacted by PL 1995, c. 680, §5, is amended to read:

1. A victim who wishes to receive notification must file a request for notification of the defendant's release with the office of the attorney for the State. The attorney for the State shall forward this request form to the Department of Corrections, to the state mental health institute or to the county jail to which that defendant is committed. Notwithstanding this subsection, a victim who wishes to receive notification regarding a defendant who is committed to the Department of Corrections may file a request for notification of the defendant's release directly with the Department of Corrections.

Sec. 3. 17-A MRSA §1175, sub-§3, ¶B, as amended by PL 2013, c. 133, §11, is further amended to read:

B. The nature of the release authorized, whether it is a conditional release, including probation, supervised release for sex offenders, parole, furlough, work release, funeral or deathbed visit, supervised community confinement, home release monitoring or a similar program, administrative release or release under Title 15, section 104-A, or an unconditional release and discharge upon release from commitment under Title 15, section 101-D or upon the expiration of a sentence or upon discharge under Title 15, section 104-A;

Sec. 4. 17-A MRSA §1203, sub-§1-A, ¶B-1 is enacted to read:

B-1. The court may revoke probation if, during an unsuspended portion of the term of imprisonment:

(1) The person has contact with a victim with whom the person has been ordered not to have contact as a condition of probation;

(2) In the case of a person who has been committed to the Department of Corrections, the person has contact with any victim with whom the person has been prohibited to have contact by the Department of Corrections; or

(3) In the case of a person who has been committed to a county or regional jail, the person has contact with any victim with whom the person has been prohibited to have contact by the county or regional jail.

"Victim," as used in this paragraph, has the same meaning as in section 1171, subsection 2 and section 1175.

Sec. 5. 34-A MRSA §1214, sub-§1, ¶¶A and B, as enacted by PL 2001, c. 439, Pt. G, §1, are repealed.

Sec. 6. 34-A MRSA §1214, sub-§2, ¶¶A and B, as enacted by PL 2001, c. 439, Pt. G, §1, are amended to read:

A. The Victim Services Coordinator shall report only to the commissioner or ~~an associate commissioner~~ the commissioner's designee.

B. The Victim Services Coordinator shall, with the approval of the commissioner or ~~an associate commissioner~~ the commissioner's designee, select other victim advocates needed to carry out the intent of this section and who shall report only to the Victim Services Coordinator.

See title page for effective date.

CHAPTER 129

H.P. 851 - L.D. 1229

An Act To Ensure Life Insurance Claims Are Paid

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

Sec. 1. 24-A MRSA §4551, as amended by PL 2003, c. 20, Pt. T, §14, is further amended to read:

§4551. Disposition of unclaimed funds

All unclaimed money held and owing by any life insurer doing business in this State must be disposed of according to Title 33, chapter 41. Before disposing of any unclaimed money in accordance with Title 33,

chapter 41, a life insurer doing business in this State shall comply with this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Contract" means an annuity contract. "Contract" does not include an annuity used to fund an employment-based retirement plan or program in which the insurer does not perform the record-keeping services or the insurer is not committed by terms of the annuity contract to pay death benefits to the beneficiaries of specific plan participants.

B. "Death master file" means the United States Social Security Administration's death master file or any other database or service that is at least as comprehensive as the United States Social Security Administration's death master file that is used for determining and recording that a person has been reported to have died.

C. "Death master file match" means a search of the death master file that results in a match of the social security number or the name and date of birth of an insured, an annuity owner or a retained asset account holder.

D. "Knowledge of death" means the receipt of an original or valid copy of a certified death certificate or a death master file match validated by the insurer in accordance with this section.

E. "Policy" means any policy or certificate of life insurance that provides a death benefit. "Policy" does not include:

(1) Any policy or certificate of life insurance that provides a death benefit under an employee benefit plan subject to the federal Employee Retirement Income Security Act of 1974, as amended;

(2) Any policy or certificate of life insurance that provides a death benefit under any federal employee benefit program;

(3) Any policy or certificate of life insurance that is used to fund a pre-need funeral contract or prearrangement;

(4) Any policy or certificate of credit life or accidental death insurance; or

(5) Any policy issued to a group master policyholder for which the insurer does not provide record-keeping services.

F. "Record-keeping services" means those circumstances under which the insurer has agreed with a group policy or contract customer to be responsible for obtaining, maintaining and administering in its own or its agents' systems at least the

following information about each individual insured under an insured's group insurance contract or a line of coverage thereunder: the individual insured's social security number or name and date of birth, beneficiary designation information, coverage eligibility, benefit amount and premium payment status.

G. "Retained asset account" means an account in which the settlement of proceeds payable under a policy or contract occurs when the insurer, or an entity acting on behalf of the insurer, deposits the proceeds into an account with check or draft writing privileges and those proceeds are retained by the insurer or its agent pursuant to a supplementary contract not involving annuity benefits other than death benefits.

2. Insurer conduct. An insurer shall perform a comparison of its insureds' in-force policies, contracts and retained asset accounts against a death master file, on at least a semiannual basis, by using the death master file once for each insured and thereafter using the death master file update files for future comparisons to identify potential matches of the insurer's insureds. For those potential matches identified as a result of a death master file match, the insurer shall:

A. Within 90 days of a death master file match, complete a good faith effort, which must be documented by the insurer, to confirm the death of an insured, an annuity owner or retained asset account holder against other available records and information;

B. Determine whether benefits are due in accordance with the applicable policy or contract and, if benefits are due in accordance with the applicable policy or contract:

(1) Use good faith efforts, which must be documented by the insurer, to locate the beneficiary or beneficiaries; and

(2) Provide the appropriate claim forms or instructions to the beneficiary or beneficiaries, including notice of the necessity of providing an official death certificate, if applicable under the policy or contract.

With respect to group life insurance, the insurer shall confirm the death of an insured when the insurer maintains at least the following information about each insured covered under a policy or certificate: the insured's social security number or name and date of birth, beneficiary designation information, coverage eligibility, benefit amount and premium payment status.

3. Required procedures. As part of its record-keeping procedures, an insurer shall implement procedures to account for:

A. Common nicknames, initials used in lieu of a first or middle name and use of a middle name;

B. Compound first and middle names and interchanged first and middle names;

C. Compound last names, maiden or married names and hyphens or blank spaces;

D. Apostrophes in last names;

E. Transposition of the month and date portions of the date of birth; and

F. Incomplete social security numbers.

4. Disclosure of personal information. To the extent permitted by law, an insurer may disclose the minimum necessary personal information about an insured or beneficiary to a person the insurer reasonably believes may be able to assist the insurer in locating a beneficiary or a person otherwise entitled to payment of the claims proceeds.

5. No fees. An insurer or its service provider may not charge any beneficiary or other authorized representative for any fees or costs associated with a death master file search or verification of a death master file match conducted pursuant to this section.

6. Payment of benefits. The benefits from a policy, a contract or a retained asset account, plus any applicable accrued contractual interest, is payable to a designated beneficiary or annuity owner. In the event a beneficiary or owner cannot be found after good faith efforts to contact the beneficiary or owner pursuant to this section have been carried out and documented, the insurer shall dispose of any unclaimed money according to Title 33, chapter 41.

See title page for effective date.

CHAPTER 130

S.P. 67 - L.D. 221

An Act To Amend the Laws Regarding the Municipality of Responsibility for General Assistance Applicants Released from a State Correctional Facility or County Jail Facility

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

Sec. 1. 22 MRSA §4307, sub-§4, as amended by PL 2015, c. 267, Pt. II, §1, is further amended to read:

4. Special circumstances. Overseers of a municipality may not move or transport an applicant or recipient into another municipality to relieve their municipality of responsibility for that applicant's or re-

ipient's support. The municipality of responsibility for relocations, ~~persons released from correctional facilities~~ and institutional settings is as follows.

A. When an applicant or recipient requests relocation to another municipality and the overseers of a municipality assist that person to relocate to another municipality, the municipality from which that person is moving continues to be responsible for the support of the recipient for 30 days after relocation. As used in this paragraph, "assist" includes:

- (1) Granting financial assistance to relocate; and
- (2) Making arrangements for a person to relocate.

B. If an applicant is in a group home, shelter, rehabilitation center, nursing home, hospital or other institution at the time of application and has either been in that institution for 6 months or less, or had a residence immediately prior to entering the institution which the applicant had maintained and to which the applicant intends to return, the municipality of responsibility is the municipality where the applicant was a resident immediately prior to entering the institution. For the purpose of this paragraph, a hotel, motel or similar place of temporary lodging is considered an institution when a municipality:

- (1) Grants financial assistance for a person to move to or stay in temporary lodging;
- (2) Makes arrangements for a person to stay in temporary lodging;
- (3) Advises or encourages a person to stay in temporary lodging; or
- (4) Illegally denies housing assistance and, as a result of that denial, the person stays in temporary lodging.

~~C. If an applicant has been released from a correctional facility within 45 days of application, the municipality of responsibility for the first 12 months of payment of benefits is the municipality that was on record as the residence of the applicant when the applicant was committed to the correctional facility. A municipality of responsibility must accept an application for general assistance by telephone if the applicant is calling from another municipal office, as long as the written application is contemporaneously faxed or sent electronically to the municipality of responsibility.~~

See title page for effective date.
