

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

investigating agency shall take possession of the forensic examination kit.

See title page for effective date.

CHAPTER 95

H.P. 258 - L.D. 333

**An Act To Amend the Laws
Governing Dangerous Dogs
and Nuisance Dogs To Allow
for Flexibility in Protection
Dog Training**

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

Sec. 1. 7 MRSA §3954, sub-§1, ¶A, as enacted by PL 2017, c. 404, §13, is repealed.

See title page for effective date.

CHAPTER 96

S.P. 109 - L.D. 368

**An Act To Redefine
Geographic Association for
Multiple-employer Welfare
Arrangements**

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

Sec. 1. 24-A MRSA §2808-B, sub-§2, ¶E, as corrected by RR 2011, c. 1, §40, is amended to read:

E. The superintendent may authorize a carrier to establish a separate community rate for an association group organized pursuant to section 2805-A or a trustee group organized pursuant to section 2806, as long as association group membership or eligibility for participation in the trustee group is not conditional on health status, claims experience or other risk selection criteria and all small group health plans offered by the carrier through that association or trustee group:

- (1) Are otherwise in compliance with the premium rate requirements of this subsection; and
- (2) Are offered on a guaranteed issue basis to all eligible employers that are members of the association or are eligible to participate in the trustee group except that a professional association may require that a minimum percentage of the eligible professionals employed by a subgroup be members of the association in order for the subgroup to be eligible for issu-

ance or renewal of coverage through the association. The minimum percentage must not exceed 90%. For purposes of this subparagraph, "professional association" means an association that:

- (a) Serves a single profession that requires a significant amount of education, training or experience or a license or certificate from a state authority to practice that profession;
- (b) Has been actively in existence for 5 years;
- (c) Has a constitution and bylaws or other analogous governing documents;
- (d) Has been formed and maintained in good faith for purposes other than obtaining insurance;
- (e) Is not owned or controlled by a carrier or affiliated with a carrier;
- (g) Has at least 1,000 members if it is a national association; 200 members if it is a state or local association;
- (h) All members and dependents of members are eligible for coverage regardless of health status or claims experience; and
- (i) Is governed by a board of directors and sponsors annual meetings of its members.

Producers may only market association memberships, accept applications for membership or sign up members in the professional association where the individuals are actively engaged in or directly related to the profession represented by the professional association.

Except for employers with plans that have grandfathered status under the federal Affordable Care Act, this paragraph does not apply to policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2014 until December 31, 2019. To the extent permitted under the federal Affordable Care Act, this paragraph applies to policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2020.

Sec. 2. 24-A MRSA §6603, sub-§1, ¶¶B and D, as amended by PL 2001, c. 570, §1, are further amended to read:

B. ~~Except for those associations meeting the criteria of subsection 1-A, must~~ Must be established by a trade association; industry association; as-