

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

2. Government obligations; policy loans; other Counter-party limitations. Except as otherwise expressly provided, an insurer may not invest in or may not incur counter-party exposure to any one person if, after giving effect to those investments and that counter-party exposure, the aggregate of those investments in and that counter-party exposure to that person would exceed 10% of the insurer's admitted assets, with the following exceptions:

- A. Government obligations pursuant to section 1156, subsection 2, paragraph A;
- B. Policy loans pursuant to section 1158; and
- C. Index mutual funds, but as to this exception, only with the prior approval of the superintendent and limited to 20% of the insurer's admitted assets.

3. Other investment limitations. Other investment limitations shall be as provided in particular sections of this chapter.

Sec. 4. 24-A MRSA §1481, as enacted by PL 1997, c. 457, §23 and affected by §55, is amended to read:

§1481. Continuing education advisory committee
Education Advisory Committee

The Continuing Education Advisory Committee is established and consists of 6 members appointed by the superintendent for terms of 3 years each, on a staggered-term basis to prevent the terms of more than 2 members from expiring in any one year. A person may not be reappointed to the committee for more than one 3-year term. A person is ineligible for appointment to the committee unless that person is an active, full-time insurance producer or consultant. Committee members are eligible for reimbursement of expenses. The superintendent may remove a committee member for cause.

Sec. 5. 24-A MRSA §2808-B, sub-§2-A, ¶C, as amended by PL 2019, c. 653, Pt. B, §5, is further amended to read:

- C. Rates for small group health plans must be filed in accordance with this section and subsections 2-B and 2-C or section 2792, as applicable, for premium rates effective on or after July 1, 2004, ~~except that the rates for small group health plans are not required to account for any payment or any recovery of that payment pursuant to subsection 2-B, paragraph D and former section 6913 for rates effective before July 1, 2005.~~

Sec. 6. 24-A MRSA §2808-B, sub-§2-B, ¶A, as amended by PL 2009, c. 244, Pt. G, §2, is further amended to read:

- A. Rates subject to this subsection must be filed for approval by the superintendent. The superintendent shall disapprove any premium rates filed by any carrier, whether initial or revised, for a small group health plan unless it is anticipated that the

aggregate benefits estimated to be paid under all the small group health plans maintained in force by the carrier for the period for which coverage is to be provided will return to policyholders at least 75% of the aggregate premiums collected for those policies, as determined in accordance with accepted actuarial principles and practices and on the basis of incurred claims experience and earned premiums. ~~For the purposes of this calculation, any payments paid pursuant to former section 6913 must be treated as incurred claims.~~

Sec. 7. 24-A MRSA §2808-B, sub-§2-B, ¶D, as amended by PL 2007, c. 629, Pt. M, §8, is repealed.

Sec. 8. 24-A MRSA §2839-B, sub-§2, as amended by PL 2007, c. 629, Pt. M, §11, is further amended to read:

2. Annual filing. Every carrier offering group health insurance specified in subsection 1 shall annually file with the superintendent on or before April 30th a certification signed by a member in good standing of the American Academy of Actuaries or a successor organization that the carrier's rating methods and practices are in accordance with generally accepted actuarial principles and with the applicable actuarial standards of practice as promulgated by an actuarial standards board. ~~The filing must also certify that the carrier has included in its experience any savings offset payments or recovery of those savings offset payments consistent with former section 6913.~~ The filing also must state the number of policyholders, certificate holders and dependents, as of the close of the preceding calendar year, enrolled in large group health insurance plans offered by the carrier. A filing and supporting information are public records except as provided by Title 1, section 402, subsection 3.

See title page for effective date.

CHAPTER 60

H.P. 32 - L.D. 57

**An Act to Amend Maine's
Endangered and Threatened
Species List**

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

Sec. 1. 12 MRSA §12803, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Commissioner's duties. In recommending a species to be listed as endangered or threatened, the commissioner shall:

- A. Make use of the best scientific, commercial and other data available;

B. Consult, as appropriate, with federal agencies, other interested state agencies, other states having a common interest in the species and interested persons and organizations; ~~and~~

C. Maintain a list of all species that the Legislature has designated to be endangered or threatened, naming each species by both its scientific and common name, if any, and specifying over what portion of its range each species so designated is endangered or threatened; and

D. Report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters no less frequently than every 4 years on any recommendations, status updates or changes to the list of species designated as endangered or threatened.

Sec. 2. 12 MRSA §12803, sub-§3, ¶D, as amended by PL 2007, c. 166, §1, is further amended to read:

D. Sedge wren, *Cistothorus ~~platensis~~ stellaris*, endangered;

Sec. 3. 12 MRSA §12803, sub-§3, ¶F, as enacted by PL 2003, c. 573, §6 and affected by §8 and c. 655, Pt. C, §§3 and 6, is repealed.

Sec. 4. 12 MRSA §12803, sub-§3, ¶P, as amended by PL 2015, c. 121, §2, is further amended to read:

P. Clayton's copper, *~~Lycena~~ Tharsalea dorcas claytoni*, threatened;

Sec. 5. 12 MRSA §12803, sub-§3, ¶S, as enacted by PL 2003, c. 573, §6 and affected by §8 and c. 655, Pt. C, §§3 and 6, is amended to read:

S. Katahdin arctic, *~~Oenis~~ Oeneis polixenes katahdin*, endangered;

Sec. 6. 12 MRSA §12803, sub-§3, ¶BB, as enacted by PL 2003, c. 573, §6 and affected by §8 and c. 655, Pt. C, §§3 and 6, is amended to read:

BB. Tidewater mucket, *~~Leptodea~~ Atlanticoncha ochracea*, threatened;

Sec. 7. 12 MRSA §12803, sub-§3, ¶JJ, as enacted by PL 2007, c. 166, §1, is repealed.

Sec. 8. 12 MRSA §12803, sub-§3, ¶PP, as enacted by PL 2007, c. 166, §1, is amended to read:

PP. ~~Purple-lesser~~ Arctic fritillary, *Boloria chariclea grandis*, threatened;

Sec. 9. 12 MRSA §12803, sub-§3, ¶WW, as enacted by PL 2015, c. 121, §5, is amended to read:

WW. Frigga fritillary, *Boloria frigga saga*, endangered;

Sec. 10. 12 MRSA §12803, sub-§3, ¶ZZ, as enacted by PL 2015, c. 121, §5, is amended to read:

ZZ. Eastern small-footed bat, *Myotis leibii*, threatened; ~~and~~

Sec. 11. 12 MRSA §12803, sub-§3, ¶AAA, as enacted by PL 2015, c. 121, §5, is amended to read:

AAA. Six-whorl vertigo, *Vertigo morsei*, endangered; ~~;~~

Sec. 12. 12 MRSA §12803, sub-§3, ¶BBB is enacted to read:

BBB. Ashton's cuckoo bumble bee, *Bombus ash-toni*, endangered;

Sec. 13. 12 MRSA §12803, sub-§3, ¶CCC is enacted to read:

CCC. Bank swallow, *Riparia riparia*, threatened;

Sec. 14. 12 MRSA §12803, sub-§3, ¶DDD is enacted to read:

DDD. Bicknell's thrush, *Catharus bicknelli*, threatened;

Sec. 15. 12 MRSA §12803, sub-§3, ¶EEE is enacted to read:

EEE. Blackpoll warbler, *Setophaga striata*, threatened;

Sec. 16. 12 MRSA §12803, sub-§3, ¶FFF is enacted to read:

FFF. Cliff swallow, *Petrochelidon pyrrhonota*, threatened;

Sec. 17. 12 MRSA §12803, sub-§3, ¶GGG is enacted to read:

GGG. Margined tiger beetle, *Ellipsoptera marginata*, threatened;

Sec. 18. 12 MRSA §12803, sub-§3, ¶HHH is enacted to read:

HHH. Saltmarsh sparrow, *Ammodramus caudacutus*, endangered; and

Sec. 19. 12 MRSA §12803, sub-§3, ¶III is enacted to read:

III. Tricolored bat, *Perimyotis subflavus*, threatened.

See title page for effective date.

CHAPTER 61

S.P. 46 - L.D. 74

An Act to Update the Responsibilities of the Clean-up and Response Fund Review Board

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