

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

Augusta, Maine
2023

**CHAPTER 243
S.P. 508 - L.D. 1271**

**An Act to Require a Disclaimer
on Promotional Materials for
Medicare, Medicaid and
MaineCare Products by
Private Entities**

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

Sec. 1. 10 MRSA c. 226 is enacted to read:

CHAPTER 226

**DISCLAIMER ON PROMOTIONAL
MATERIALS USING MEDICARE, MEDICAID
OR MAINECARE**

**§1499-G. Disclaimer on promotional materials us-
ing Medicare, Medicaid or MaineCare**

1. Disclaimer. A person may not use any advertise-
ment, solicitation, informational brochure, mailer or
other promotional material using the terms "Medicare,"
"Medicaid" or "MaineCare" unless the material:

A. Includes a disclaimer printed on the top and both
front and back of the material in type size no
smaller than the largest type size on the material
stating "This is an advertisement and solicitation";

B. Contains in a type size no smaller than the 2nd
largest type size on the material stating "[Name of
person sponsoring the promotional material] is a
private company that is not Medicare, Medicaid or
MaineCare and is not a governmental agency";

C. Contains in a type size no smaller than the 2nd
largest type size on the material any other dis-
claimer on the material; and

D. Does not use a type color for the disclaimer re-
quired in paragraph A that is in grayscale or other
faded tone, or a font that does not mimic or is not
similar to a font used in an official document from
a state or federal agency.

2. Application. The requirements of subsection 1
do not apply to any informational brochure or other ma-
terial distributed by a person that does not sell or profit
from the sale of any insurance product.

3. Rules. The Attorney General may adopt rules to
implement this chapter. Rules adopted pursuant to this
subsection are routine technical rules as defined in Title
5, chapter 375, subchapter 2-A.

4. Violation. A person that fails to comply with
subsection 1 commits a violation of the Maine Unfair
Trade Practices Act.

**Sec. 2. 24-A MRSA §2152-B, sub-§2, as en-
acted by PL 2007, c. 53, §1, is amended to read:**

2. Unfair solicitation methods. It is an unfair
trade practice under this chapter for an insurer or pro-
ducer to:

A. Sell, solicit or negotiate the purchase of health
insurance in this State through the use of cold lead
advertising;

B. Use an appointment that was made to discuss
Medicare products or to solicit the sale of Medicare
products in order to solicit sales of life insurance,
health insurance or annuity products unless the
consumer requests such solicitation and the prod-
ucts to be discussed are clearly identified to the
consumer in writing at least 48 hours in advance of
the appointment; ~~and~~

C. Solicit the sale of Medicare products door-to-
door prior to receiving an invitation from a con-
sumer; and

D. Use an advertisement, solicitation, informa-
tional brochure, mailer or other promotional mate-
rial using the terms "Medicare," "Medicaid" or
"MaineCare" that mimics or implies that it is an of-
ficial document from a state or federal agency.

**Sec. 3. 24-A MRSA §2152-C is enacted to
read:**

**§2152-C. Disclosures in printed marketing materi-
als of Medicare products**

1. Disclosures. Except as provided in subsections
2 and 3, a person may not use printed materials market-
ing Medicare products unless the material:

A. Includes a statement printed on the top and both
the front and back of the material in type size no
smaller than the largest type size on the material
stating "This is an advertisement and solicitation";

B. Contains in a type size no smaller than the 2nd
largest type size on the material stating "[Name of
person sponsoring the promotional material] is a
private company that is not Medicare, Medicaid or
MaineCare and is not a governmental agency";

C. Contains in a type size no smaller than the 2nd
largest type size on the material any other dis-
claimer on the material; and

D. Does not use a type color for the disclaimer re-
quired in paragraph A that is in grayscale or other
faded tone, or a font that does not mimic or is not
similar to a font used in an official document from
a state or federal agency.

2. No disclosure required. The requirements of
subsection 1 do not apply to:

A. Informational brochures or other material devel-
oped or distributed by a state or federal regulatory
agency or a nonprofit organization; or

B. Information related to an existing policy, from a policyholder's insurer, licensed agent or agency of record, including, but not limited to, information for the purpose of assisting, educating or communicating the status of plan benefits, claims, appeals, grievances or notice of termination.

3. Application. This subsection does not apply to any marketing material that has been filed with and approved by the superintendent, or filed with and approved by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services or filed with the Centers for Medicare and Medicaid Services under that agency's policies allowing for the filing and use of certain marketing materials. Evidence of that approval or filing with the Centers for Medicare and Medicaid Services must be produced upon request of the superintendent.

4. Rules. The superintendent may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 244
S.P. 284 - L.D. 726**

**An Act to Amend the Laws
Governing Political Action
Committees Relating to Union,
Business and Nonprofit
Organizations**

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

Whereas, political action committees and party committees usually engage in fund-raising in the summer and autumn months for the purpose of influencing upcoming elections; and

Whereas, it is necessary to repeal the current law as soon as possible to avoid confusion resulting from a delay in the repeal; 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. 21-A MRSA §1004-A, sub-§2, as amended by PL 2021, c. 274, §1 and affected by §13, is further amended to read:

2. Contribution in excess of limitations. A person that accepts or makes a contribution that exceeds the limitations set out in ~~this chapter~~ section 1015, subsections 1 and 2-B may be assessed a penalty of no more than the amount by which the contribution exceeded the limitation.

Sec. 2. 21-A MRSA §1012, sub-§4-B, as enacted by PL 2021, c. 274, §2 and affected by §13, is repealed.

Sec. 3. 21-A MRSA §1012, sub-§6, as enacted by PL 2021, c. 274, §3 and affected by §13, is repealed.

Sec. 4. 21-A MRSA §1015, sub-§1, as amended by PL 2021, c. 274, §4 and affected by §13, is further amended to read:

1. Contributions by individuals. An individual may not make contributions to a candidate in support of the candidacy of one person aggregating more than ~~\$1,500~~ \$1,950 in any election for a gubernatorial candidate, more than ~~\$350~~ \$475 for a legislative candidate, more than ~~\$500~~ \$575 for a candidate for municipal office and ~~beginning January 1, 2012~~ more than \$750 \$975 in any election for any other candidate. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse or domestic partner. Beginning December 1, ~~2010~~ 2024, contribution limits in accordance with this subsection are adjusted every 2 years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

Sec. 5. 21-A MRSA §1015, sub-§2, as amended by PL 2021, c. 607, §1 and affected by §5, is repealed.

Sec. 6. 21-A MRSA §1015, sub-§2-A, as enacted by PL 2021, c. 274, §6 and affected by §13, is repealed.

Sec. 7. 21-A MRSA §1015, sub-§2-B is enacted to read:

2-B. Committees; corporations; associations. A political committee, political action committee, ballot question committee or other committee, firm, partnership, corporation, association or organization may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$1,950 in any election for a gubernatorial candidate, more than \$475 for a legislative candidate, more than \$575 for a candidate for municipal office and more than \$975 in any election for any other candidate. Beginning December 1, 2024, contribution limits in accordance with this subsection are adjusted every 2 years based on the