

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BANKING AND INSURANCE

MAY 1998

MEMBERS:

Sen. Lloyd P. LaFountain III, Chair
Sen. Robert E. Murray, Jr.
Sen. I. Joel Abromson

Rep. Jane W. Saxl, Chair
Rep. Julie Winn

Rep. Thomas M. Davidson
Rep. Christopher P. O'Neil

Rep. Joseph C. Perry
Rep. Stephen S. Stanley
Rep. Joseph G. Carleton, Jr.
Rep. Sumner A. Jones, Jr.
Rep. Arthur F. Mayo III
Rep. Joseph Bruno

Staff:

Colleen McCarthy Reid, Legislative Analyst

Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
May 1998

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*.....House & Senate disagree; bill died
- DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died
- EMERGENCY*.....Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

Public Law 1997, chapter 621 clarifies that Maine Revised Statutes, Title 24-A, section 2436-A does not prohibit any other claim or cause of action a person has against an insurer. It also exempts workers' compensation insurance claims from the application of Title 24-A, section 2436-A.

LD 1060

An Act to Provide Health Insurance Coverage for Prostate Cancer Screening

PUBLIC 754

<u>Sponsor(s)</u> ABROMSON MAYO	<u>Committee Report</u>	<u>Amendments Adopted</u> S-452 ABROMSON
---------------------------------------	-------------------------	---

LD 1060 was originally considered by the Joint Standing Committee on Banking and Insurance during the First Regular and First Special Session, but the bill died between bodies when the House and Senate failed to agree on the legislation. LD 1060 was recalled from the Legislature's dead file in the Second Regular Session. The bill proposed to require all individual and group contracts of nonprofit hospital and medical service organizations, insurers and health maintenance organizations to provide insurance coverage for prostate cancer screening. Coverage for prostate cancer screening must be provided annually to men 50 years of age or older; to African-American men 45 years of age or older; and to men 40 years of age or older with a family history of prostate cancer.

The bill proposed to apply to all policies, contracts and certificates in effect on or after January 1, 1998.

Senate Amendment "A" (S-452) was proposed and adopted during the Second Regular Session after LD 1060 was recalled from the Legislature's dead file. Senate Amendment "A" proposed to require all individual and group contracts of nonprofit hospital and medical service organizations, insurers and health maintenance organizations to provide insurance coverage for prostate cancer screening. Coverage for prostate cancer screening must be provided annually to men 50 years of age or older until a man reaches the age of 72 if the procedures are recommended by a physician.

The amendment proposed to exempt accidental injury, specified disease, hospital indemnity, Medicare supplement, long-term care and other limited benefit health insurance policies and contracts from the requirement that health insurance contracts provide coverage for prostate cancer screening.

The amendment makes the changes made by the bill and this amendment applicable to all policies and contracts and certificates in effect on or after September 1, 1998.

The amendment also adds a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 754 requires all individual and group contracts of nonprofit hospital and medical service organizations, insurers and health maintenance organizations to provide insurance coverage for prostate cancer screening. Coverage for prostate cancer screening, including a prostate-specific antigen (PSA) test and digital rectal examination, must be provided annually to men age 50 or older until a man reaches age 72 if the procedures are recommended by a physician.

The requirements of chapter 754 apply to all policies, contracts and certificates in effect on or after

LD 1243**An Act to Protect the Privacy of Genetic Information****PUBLIC 677**

Sponsor(s)
RAND

Committee Report
OTP-AM

Amendments Adopted
S-584
S-594 LAFOUNTAIN

LD 1243 was carried over from the First Regular and First Special Session and proposed to provide measures for the protection of the privacy of genetic information. It proposed to prohibit discrimination in any form of insurance regulated by the Bureau of Insurance on the basis of genetic information and requires informed consent for obtaining genetic information. It also proposed to provide individuals who are tested the right to inspect genetic information concerning them and to be informed of the results of genetic tests. The bill also proposed to prohibit discrimination in employment on the basis of genetic information.

Committee Amendment “A” (S-584) replaced the bill. It proposed to prohibit discrimination in employment on the basis of genetic information, on the basis that an employee or applicant received genetic testing or genetic counseling, or because an employee or applicant refused to submit to genetic testing or make available genetic test results.

The amendment proposed to prohibit discrimination in health insurance against individuals or eligible dependents on the basis of genetic information, on the basis that an individual received genetic testing or genetic counseling, or because an individual refused to submit to genetic testing or make available genetic test results.

The amendment proposed to prohibit unfair discrimination in the application of genetic information or genetic test results in life, disability, long-term care insurance and other limited health benefit policies regulated by the Bureau of Insurance.

The amendment also proposed to enact the provisions of the National Association of Insurance Commissioner's "Insurance Information and Privacy Protection Model Act" governing the collection, use and disclosure of personal information about insurance consumers gathered in connection with insurance transactions by regulated insurance entities and insurance support organizations. It exempts workers' compensation, property, casualty, medical malpractice, fidelity, suretyship, boiler and machinery and title insurance from the application of these provisions.

The amendment also proposed to add an application section and a fiscal note to the bill.

Senate Amendment “A” to Committee Amendment “A” (S-594) proposed to clarify the definition of health care.

Enacted law summary

Public Law 1997, chapter 677 prohibits discrimination in employment on the basis of genetic information, on the basis that an employee or applicant received genetic testing or genetic counseling, or because an employee or applicant refused to submit to genetic testing or make available genetic test results. The Maine Human Rights Commission is assigned responsibility for enforcement of this provision.

Public Law 1997, chapter 677 prohibits discrimination in health insurance against individuals or eligible dependents on the basis of genetic information, on the basis that an individual received genetic testing or genetic