

# 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  
119TH LEGISLATURE**

**FIRST REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
BANKING AND INSURANCE**

**JULY 1999**

**MEMBERS:**

*Sen. Lloyd P. LaFountain III, Chair*

*Sen. Neria R. Douglass.*

*Sen. I. Joel Abromson*

*Rep. Jane W. Saxl, Chair*

*Rep. Christopher P. O'Neil*

*Rep. Joseph C. Perry*

*Rep. Benjamin F. Dudley*

*Rep. John G. Richardson, Jr.*

*Rep. Nancy B. Sullivan.*

*Rep. Arthur F. Mayo III*

*Rep. Sumner A. Jones, Jr.*

*Rep. Kevin J. Glynn*

*Rep. Robert W. Nutting*

**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 NINETEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing and Select Committees**  
**August 1999**

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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](http://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:

*CARRIED OVER*.....Bill carried over to Second Regular Session  
*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  
*ENACTMENT FAILED*..... Bill failed to get vote required for enactment or final passage  
*NOT PROPERLY BEFORE THE BODY*..... Ruled out of order by the presiding officers; bill died  
*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 First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

10. Right of enrollees to sue health plans.

See related bills LD 750, 1619 and 1890.

**LD 634**                      **Resolve, to Direct the Superintendent of Insurance to Evaluate a Separate Workers' Compensation Classification Code for Milk Haulers**                      **ONTP**

| <u>Sponsor(s)</u>   | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| NUTTING J<br>JACOBS | ONTP                    |                           |

LD 634 proposed to require the Superintendent of Insurance to evaluate whether workers' compensation classification systems should contain a separate classification for milk haulers.

**LD 649**                      **An Act to Allow the Use of the 1990 American Dental Association Form for Submission of Insurance Claims**                      **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| RUHLIN            | ONTP                    |                           |

LD 649 proposed to require that nonprofit hospital, medical and health care service organizations, insurers and health maintenance organizations accept the submission of the 1990 American Dental Association standard claim form for dental insurance claims. This bill was an emergency and would have taken effect when enacted.

**LD 750**                      **An Act to Establish a Patient's Bill of Rights**                      **CARRIED OVER**

| <u>Sponsor(s)</u>    | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| SAXL J<br>LAFOUNTAIN |                         |                           |

LD 750 incorporates into law many of the provisions contained in the proposed federal patient bill of rights legislation. The provisions govern the following:

1. Coverage of emergency services;
2. Access to out-of-network providers;
3. Access to obstetrical and gynecological care;
4. Access to specialty care;
5. Continuity of care;
6. Access to prescription drugs;

7. Access to clinical trials;
8. Availability of independent external review of appeals;
9. Prohibition on financial incentives for providers; and
10. Right of enrollees to sue health plans.

LD 750 has been carried over to the Second Regular Session.

**LD 755**                      **An Act Regarding the Assignment of Insurance Benefits for Dental Care**                      **PUBLIC 21**

|                               |                                |                           |
|-------------------------------|--------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>ABROMSON | <u>Committee Report</u><br>OTP | <u>Amendments Adopted</u> |
|-------------------------------|--------------------------------|---------------------------|

LD 755 proposed to require that certain insurance policies providing benefits for dental care on an expense-incurred basis must contain a provision permitting the insured to assign benefits for such care to the provider of the care.

*Enacted law summary*

Public Law 1999, chapter 21 requires that insurance policies providing benefits for dental care contain an assignment of benefits provision allowing payment to be made by the insurer directly to the dental care provider.

**LD 760**                      **An Act to Clarify the Residency Requirements for Individual Health Insurance Coverage through a Maine-based Insurance Carrier**                      **ONTP**

|   |                                 |                           |
|---|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>LAFOUNTAIN<br>MAYO | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|---|---------------------------------|---------------------------|

LD 760 proposed to ensure that individuals seeking individual health insurance coverage through insurance carriers based in this State have an appropriate degree of contact with this State.

This bill proposed to clarify the degree of contact an individual must have with this State in order to obtain health care coverage through a carrier based in this State by requiring an individual to establish both residency and legal domicile in this State in order to be eligible for the guaranteed issuance protections of the Maine Insurance Code. An individual may establish residency by having a dwelling in this State and being physically present in the State for 60 days per year. An individual may establish this state as legal domicile by registering to vote in the State and claiming it as legal domicile for federal tax purposes. This bill proposed to eliminate obtaining a driver's license and filing a state tax return in this State as criteria for establishing legal domicile.

The substantive provisions of LD 760 were incorporated into Public Law 1999, chapter 256 (LD 2157).