

# 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.

**LD 824**

**An Act Regarding Civil Actions Involving Insurance Coverage**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SAVAGE W          | ONTP MAJ<br>OTP-AM MIN  |                           |

LD 824 proposed to require insurers to pay costs and reasonable attorney's fees to the insured in any civil action to determine coverage under an insurance policy when the insurer loses the suit. The bill also proposed to require that insurers have the burden of proof in any action to determine coverage of a liability insurance policy regardless of whenever the insurer or an insured or claimant institutes the action.

**Committee Amendment "A" (H-189)** was the minority report of the committee and proposed to replace the bill. It proposed to clarify that the bill applies only to declaratory judgment actions to determine an insurer's contractual duty to defend an insured. It proposed to define an insured as a natural person and exclude corporations, trusts, partnerships, incorporated or unincorporated associations and other legal entities from the definition of an insured. It proposed to clarify the intent that no right or cause of action is created or extended to third-party claimants under an insurance policy and that insureds are not permitted to assign any rights under a policy to any other person. The amendment also proposed to exempt life, health, disability and workers' compensation insurance. Committee Amendment "A" was not adopted.

**LD 831**

**An Act to Limit the Maximum Finance Charge to 10.5%**

**ONTP**

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

LD 831 proposed to limit the interest that may be charged on consumer credit transactions to 10.5%.

**LD 833**

**An Act to Decrease the Required Minimum Amounts of Liability Insurance Coverage for Motor Vehicles**

**ONTP**

| <u>Sponsor(s)</u>  | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| MENDROS<br>BENNETT | ONTP MAJ<br>OTP MIN     |                           |

LD 833 proposed to decrease the required minimum amounts of automobile liability insurance coverage.

**LD 834**

**An Act to Provide Insurance Coverage for Wigs Required for Medical Reasons**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| O'BRIEN L         | ONTP                    |                           |

LD 834 proposed to require individual and group health insurance policies and health maintenance organization contracts to cover the purchase of a wig or hairpiece when the purchase is made to cover baldness or thin hair resulting

from a disease attested to by a physician. The bill also proposed to require similar Medicaid reimbursement to the extent allowed by federal law.

**LD 857**

**An Act to Increase Access to Primary Health Care Services**

**PUBLIC 396**

|  |                                   |                                    |
|--|-----------------------------------|------------------------------------|
| <u>Sponsor(s)</u><br>MAYO<br>PENDLETON | <u>Committee Report</u><br>OTP-AM | <u>Amendments Adopted</u><br>H-630 |
|--|-----------------------------------|------------------------------------|

LD 857 proposed to allow certified nurse practitioners and certified nurse midwives participating in managed care plans to serve as primary care providers.

**Committee Amendment “A” (H-630)** proposed to replace the bill. The amendment proposed to require that certified nurse practitioners be permitted to serve as primary care providers in managed care plans if the certified nurse practitioner is approved by the State Board of Nursing to practice advanced practice registered nursing without the supervision of a physician and meet the managed care plan’s credentialing standards. The amendment proposed to clarify that carriers are not required to credential nurse practitioners or physicians as primary care providers if their existing network of providers meets the access and provider network standards adopted by the Bureau of Insurance. The amendment also proposed to require that carriers provide coverage for the services of certified nurse practitioners and certified nurse midwives provided to individuals referred by a primary care provider. The amendment also proposed to clarify that carriers must provide coverage for the services of certified nurse practitioners and certified nurse midwives in indemnity or other health insurance plans that do not require the selection of a primary care provider when those services are covered services and when they are within the lawful scope of practice of the certified nurse practitioner or certified nurse midwife. The amendment would have required that carriers assign identification numbers or codes to certified nurse practitioners and certified nurse midwives who provide services covered by the carrier’s health plans. The amendment proposed to add an application date of March 1, 2000 and also proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1999, chapter 396 requires that certified nurse practitioners be permitted to serve as primary care providers in managed care plans if the certified nurse practitioner is approved by the State Board of Nursing to practice advanced practice registered nursing without the supervision of a physician, meets the managed care plan’s credentialing standards, and is referred by a primary care provider. It requires that carriers, including indemnity or other health insurance plans that do not require the selection of a primary care providers, provide coverage for the services of certified nurse practitioners and certified midwives when those services are covered and when they are within the lawful scope of practice of the certified nurse practitioners and certified nurse midwives. The public law also requires that carriers assign identification numbers or codes to certified nurse practitioners and certified nurse midwives who provide services covered by the carrier’s health plan and that the identification number be indicated on claims.

Public Law 1999, chapter 396 applies to all policies, contracts and certificates issued or renewed on or after March 1, 2000.

**LD 866**

**An Act to Include a Podiatrist in the Definition of Physician**

**ONTP**

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