

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Insurance and Financial Services*

*August 2005*

**Members:**

*Sen. Nancy B. Sullivan, Chair  
Sen. Arthur F. Mayo III  
Sen. Peter Mills*

*Rep. Anne C. Perry, Chair  
Rep. Lisa T. Marrache  
Rep. John R. Brautigam  
Rep. Charles William Harlow  
Rep. Donald E. Pilon  
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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- 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
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
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 June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

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pursue a disciplinary action in Superior Court before the superintendent may proceed with an administrative action in the matter. The amendment clarified that the Superintendent of Insurance may not assess a civil penalty if the Attorney General elects to pursue an action in Superior Court for the same conduct.

### *Enacted law summary*

Public Law 2005, chapter 41 amends the Maine Revised Statutes, Title 24-A, section 12-A to delete the provision requiring the Superintendent of Insurance to give the Attorney General 90 days to elect to pursue a disciplinary action in Superior Court before the superintendent may proceed with an administrative action in the matter. The law clarifies that the Superintendent of Insurance may not assess a civil penalty if the Attorney General elects to pursue an action in Superior Court for the same conduct.

### **LD 414                      An Act To Require a Credit Card To Contain the Photo and Signature of the Cardholder                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS LEWIN	ONTP	

LD 414 proposed to require that credit cards issued after January 1, 2010 to cardholders who reside in Maine contain the photographs and signatures of the cardholders.

### **LD 416                      An Act To Amend the Laws Regarding Submission of Health Insurance Claims                      PUBLIC 97**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-85

LD 416 proposed to exempt insurers from paying interest on health care provider claims that are received more than 30 days after the date of service. This bill also proposed to require that, with the exception of emergency room and pathology services, health insurance claims for professional services be submitted on the standard federal form used by noninstitutional providers and suppliers to bill for Medicare Part B covered services, also known as the "CMS 1500" form, published by the Centers for Medicare and Medicaid Services.

**Committee Amendment "A" (S-85)** replaced the bill and removed the provision relating to interest payments on health insurance claims. The amendment proposed to require that all health insurance claims for services of a health care practitioner provided in an office setting be submitted on the standard federal form known as the "CMS 1500" form published by the federal Centers for Medicare and Medicaid Services. The amendment also clarified that claims for services provided in nonoffice settings may be negotiated.

### *Enacted law summary*

Public Law 2005, chapter 97 requires that all health insurance claims for services of a health care practitioner provided in an office setting be submitted on the standard federal form known as the "CMS 1500" form used by

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noninstitutional providers to bill for Medicare Part B covered services. The law also clarifies that claims for services provided in nonoffice settings may be negotiated.

### **LD 447                      An Act To Require Health Insurers To Cover the Costs of Hearing Aids      CARRIED OVER**

<u>Sponsor(s)</u> EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-149
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LD 447 proposed to require health insurance policies, contracts and certificates to provide coverage for hearing aids for persons 21 years of age and under. The provisions would apply to all policies, contracts and certificates issued or renewed on or after January 1, 2006.

**Committee Amendment "A" (S-149)** proposed to require health insurance policies, contracts and certificates to provide coverage for hearing aids for persons 18 years of age and under. The bill required coverage for persons 21 years of age and under. The amendment would allow insurance policies to limit coverage to \$1,400 per hearing aid every 36 months. The provisions apply to all policies, contracts and certificates issued or renewed on or after January 1, 2006.

Committee Amendment "A" was enacted in the House, but placed on the Special Appropriations Table in the Senate.

LD 447 was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

### **LD 448                      An Act To Require Health Insurers To Cover the Cost of Sign Language Interpreters for All Nonhospital Medical Appointments                      ONTP**

<u>Sponsor(s)</u> EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 448 proposed to require health insurance policies and contracts to provide coverage for the provision of sign language interpreter services at all applicable nonhospital medical and dental care appointments for a deaf or hard-of-hearing person whose hearing loss has been documented by a physician or a licensed audiologist.

### **LD 464                      An Act To Prohibit Certain Uses of a Financial Institution's Name                      PUBLIC 46**

<u>Sponsor(s)</u> MAYO PERRY A		<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN		<u>Amendments Adopted</u> S-24
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LD 464 proposed to prohibit a person from using the name of a financial institution in the solicitation of insurance without the express written permission of that financial institution.