

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON INSURANCE AND
FINANCIAL SERVICES**

July 2007

STAFF:

COLLEEN MCCARTHY REID
LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
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 that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Insurance and Financial Services

LD 1640 An Act To Allow Health Insurance Premiums To Vary Based on Behaviors Pertaining to Health **ONTP**

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

LD 1640 allows insurers to increase the premiums of individual and group health insurance policies based upon adverse health-related behaviors of the insured, including smoking, not exercising, not taking prescribed medication and abusing alcohol.

LD 1641 An Act To Provide for Transparency in Insurance Rate Proceedings **ONTP**

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

LD 1641 requires the Superintendent of Insurance to make medical malpractice insurance rate filings open to the public and to hold a public hearing for any filing requesting a rate increase of over 5%.

LD 1659 An Act To Improve the Affordability of Health Insurance for Maine People **ONTP**

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

LD 1659 establishes a high-risk pool in the individual health insurance market called the Comprehensive Health Insurance Risk Pool Association. The purpose of the association is to spread the cost of high-risk individuals among all health insurers. The bill funds the high-risk pool through an assessment on insurers. An individual insured through the high-risk pool may be charged a premium up to 150% of the average premium rates charges by carriers for similar health insurance plans. The bill requires the State to submit an application to the Federal Government for federal assistance to create a high-risk pool. The bill also removes the guaranteed issuance requirement for individual health plans, effective January 1, 2008.

The bill also broadens the community rating laws to allow carriers to vary premiums on the basis of age within a maximum rate differential from highest to lowest on a ratio of 4 to one and on the basis of health status and tobacco use within a maximum rate differential from highest to lowest on a ratio of 1.5 to one.

LD 1667 An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE		

LD 1667 requires that health insurance policies provide coverage for nutritional wellness and prevention that is shown to be beneficial to the enrollee. The bill defines "nutritional wellness and prevention" as nutritional measures and products, including dietary supplements, whose primary purposes are to enhance health, improve nutritional intake, strengthen the immune system, cleanse the body of toxins, address specific health needs and aid in resisting

Joint Standing Committee on Insurance and Financial Services

disease. The bill applies to all individual and group policies issued or renewed on or after January 1, 2008.

LD 1667 was carried over by joint order, H.P. 1369, to the next special or regular session of the 123rd Legislature.

LD 1703 An Act To Regulate Presettlement Lawsuit Funding

PUBLIC 394

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	H-511

LD 1703 clarifies that presettlement lawsuit funding constitutes supervised lending subject to the Maine Consumer Credit Code. As a result, lenders who engage in this type of lending would be required to be licensed to operate in the State and make the loans subject to the same interest rate limits and disclosure requirements as other consumer loans.

Committee Amendment "A" (H-511)

This amendment replaces the bill. The amendment creates a separate article in the Maine Consumer Credit Code to differentiate the activities of legal funding companies from lenders or creditors. The amendment does the following.

1. It establishes a registration requirement for legal funding companies.
2. It incorporates disclosure and operational provisions that legal funding companies are currently complying with in other states.
3. It limits to 42 months the period for which fees may be charged to a consumer and requires that fees be assessed only on amounts actually retained by the consumer.
4. It permits semiannual compounding of interest and prohibits the compounding of interest for any lesser period of time.
5. It prohibits the use of mandatory arbitration clauses in contracts.
6. It establishes enforcement provisions based on those now applied to consumer creditors and lenders.
7. It requires an annual report to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters on the status of legal funding in this State. As part of the first annual report submitted by March 1, 2009, the Director of the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation is required to review and evaluate the annual percentage fees charged to consumers and assess whether a cap on the maximum annual percentage fee is necessary. The amendment authorizes the joint standing committee to submit legislation to implement a cap to the 124th Legislature.

Enacted Law Summary

Public Law 2007, chapter 394 creates a separate article in the Maine Consumer Credit Code to differentiate the activities of legal funding companies from lenders or creditors. The law does the following.

1. It establishes a registration requirement for legal funding companies.
2. It incorporates disclosure and operational provisions that legal funding companies are currently complying with in other states.
3. It limits to 42 months the period for which fees may be charged to a consumer and requires that fees be assessed