

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

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

July 2009

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STATE OF MAINE

124TH 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 124th Maine Legislature.

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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. 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 148 An Act To Provide Notice of Foreclosures to Tenants

ONTP

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

This bill requires mortgagees to provide notice of foreclosure proceedings to all occupants of mortgaged premises subject to the foreclosure action by mailing a copy of the complaint to the physical address of the mortgaged premises. The notice must be mailed no less than 14 calendar days after the foreclosure proceeding is commenced.

While LD 148 was voted "Ought Not to Pass", a related substantive provision requiring notice of foreclosure judgments to tenants was incorporated into LD 1418, An Act to Preserve Home Ownership and Stabilize the Economy by Preventing Unnecessary Foreclosures. See LD 1418, which was enacted as Public Law 2009, chapter 402.

LD 157 An Act To Enhance Oversight of Fraternal Benefit Societies

PUBLIC 13

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT ALFOND	OTP	

This bill gives the Superintendent of Insurance similar administrative and enforcement authority over fraternal benefit societies as the superintendent currently has relating to nonfraternal entities such as insurers and multiple employer welfare arrangements. The superintendent's current authority is significantly restricted and inadequate to ensure compliance with Maine law by such entities authorized to operate in Maine. The bill also amends the definition of "insurer" to include fraternal benefit societies. In addition, the bill brings Maine law more up to date with the regulation of fraternal benefit societies in other states.

Enacted Law Summary

Public Law 2009, chapter 13 gives the Superintendent of Insurance similar administrative and enforcement authority over fraternal benefit societies as the superintendent currently has relating to nonfraternal entities such as insurers and multiple employer welfare arrangements. The superintendent's current authority is significantly restricted and inadequate to ensure compliance with Maine law by such entities authorized to operate in Maine. The law also amends the definition of "insurer" to include fraternal benefit societies. In addition, the changes bring Maine law more up to date with the regulation of fraternal benefit societies in other states.

LD 165 An Act To Supervise and Regulate Real Estate Settlement Agents and Exchange Facilitators in Order To Protect Consumers

PUBLIC 61

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON BOWMAN	OTP-AM	H-40

Joint Standing Committee on Insurance and Financial Services

This bill regulates those entities that operate as escrow agencies. The bill requires escrow agencies to be licensed by the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection and requires agencies to demonstrate financial responsibility by obtaining fidelity bonds, surety bonds and insurance. The bill also requires escrow agencies to maintain certain records of escrow transactions and prohibits certain practices for the protection of consumers.

Committee Amendment "A" (H-40)

This amendment replaces the bill. In section 1, the amendment regulates those entities that operate as exchange facilitators, requiring those entities to be licensed by the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection and to demonstrate financial responsibility by obtaining fidelity bonds or surety bonds and insurance. In section 2, the amendment requires residential mortgage settlement agencies to register with the Bureau of Consumer Credit Protection. The amendment gives the Superintendent of Consumer Credit Protection authority to examine a settlement agency and investigate complaints alleging a violation of existing laws, such as the federal Real Estate Settlement Procedures Act of 1974, the Funded Settlement Act and the Maine Consumer Credit Code, for the protection of consumers. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 61 provides for the regulation of exchange facilitators and residential mortgage settlement agencies.

In section 1, the law regulates those entities that operate as exchange facilitators, requiring those entities to be licensed by the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection and to demonstrate financial responsibility by obtaining fidelity bonds or surety bonds and insurance. Exchange facilitators are defined as those entities that facilitate a tax-deferred real estate transaction in accordance with Section 1031 of the federal Internal Revenue Code.

In section 2, the law requires residential mortgage settlement agencies to register with the Bureau of Consumer Credit Protection. The law gives the Superintendent of Consumer Credit Protection authority to examine a settlement agency and investigate complaints alleging a violation of existing laws, such as the federal Real Estate Settlement Procedures Act of 1974, the Funded Settlement Act and the Maine Consumer Credit Code, for the protection of consumers.

LD 191 An Act Regarding Insurance Copayments for Short-term Prescriptions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A BRANNIGAN	ONTP	

This bill requires an individual or group health insurer, a health maintenance organization that provides health coverage for prescription drugs and a 3rd-party administrator or pharmaceutical benefits manager to adjust the copayment to accommodate a short-term prescription. The copayment must be proportional. The bill requires the Superintendent of Insurance to adopt routine technical rules that include a penalty provision. The penalty provision must require an insurer that does not comply with the requirements and rules to pay a contribution to the Unused Pharmaceutical Disposal Program Fund established under the Maine Revised Statutes, Title 22, section 2700, subsection 5. As part of the rule-making process, notice must be given to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters. The requirements apply to policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after