

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

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

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second 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:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124th Legislature is Monday, July 12, 2010. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

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Resolve 2009, chapter 177 was finally passed as an emergency measure effective March 26, 2010.

LD 1769 An Act To Extend Access to Federal Health Insurance Premium Assistance

P & S 39
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT BOWMAN	OTP-AM	H-722

The American Recovery and Reinvestment Act of 2009 provided help to people who lost their jobs from September 1, 2008 to December 31, 2009 by paying 65% of their so-called COBRA health insurance coverage for a period of nine months from the time they were terminated. Public Law 2009, chapter 244, Part J provided a second election period for certain workers who had declined coverage referred to as Mini-COBRA coverage before the federal subsidies were available. The United States Congress recently passed an extension of the COBRA coverage provisions, extending the job termination date for eligibility for the subsidies from December 31, 2009 to February 28, 2010 and the COBRA 65% assistance from nine months to 15 months. This bill extends the coverage period consistent with federal law for those workers who enrolled in Mini-COBRA during the second election period.

Committee Amendment "A" (H-722)

This amendment clarifies the applicability of the notice requirement and recognizes the recent extension of the program enacted by Congress until March 31, 2010.

Enacted Law Summary

Private and Special Law 2009, chapter 39 recognizes the extensions enacted by Congress for those unemployed workers eligible for a federal subsidy for their Mini-COBRA health insurance coverage. The federal law extended the job termination eligibility date from December 31, 2009 to March 31, 2010 and the coverage period for the federal subsidy from nine months to 15 months. Private and Special Law 2009, chapter 39 requires health insurers to provide notice of the extensions enacted by Congress to certain workers whose employment terminated between September 1, 2008 and March 31, 2010 and who elected to continue Mini-COBRA coverage and to any employees whose employment terminates after March 31, 2010 who are eligible for premium assistance.

Private and Special Law 2009, chapter 39 was enacted as an emergency measure effective March 26, 2010.

LD 1773 An Act To Improve Dental Insurance Coverage for Maine Children

PUBLIC 578

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-431

LD 1773 requires health insurance policies, contracts and certificates that provide dental plans to provide coverage of dependent children from birth if the policyholder elects to participate in the dependent coverage plan. The provisions of this bill apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2011.

Committee Amendment "A" (S-431)

This amendment replaces the bill. The amendment requires dental insurance policies, contracts and certificates that

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provide coverage of dependent children to allow the opportunity to enroll a dependent child in dental insurance coverage during the first 30 days of the child's life and during any open or annual enrollment period. The provisions of this amendment apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2011.

Enacted Law Summary

Public Law 2009, chapter 578 requires dental insurance policies, contracts and certificates that provide coverage of dependent children to allow the opportunity to enroll a dependent child in dental insurance coverage during the first 30 days of the child's life and during any open or annual enrollment period. The provisions of the law apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2011.

LD 1779 An Act To Prohibit Surcharges on the Use of Debit Cards

PUBLIC 618

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP MAJ ONTP MIN	

Maine law currently prohibits sellers from imposing a surcharge on the use of credit cards. LD 1779 extends this prohibition to the use of debit cards.

Senate Amendment "A" (S-448)

This amendment repeals the prohibition on surcharges on the use of debit cards on February 15, 2011. It requires the Superintendent of Financial Institutions and the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation to examine the federal and state laws, regulations and rules governing fees and charges relating to debit and credit cards and submit a report containing their findings, including any recommendations regarding courses of action to achieve optimum transparency and consumer protection, to the joint standing committee of the Legislature having jurisdiction over financial services matters no later than February 15, 2011. The joint standing committee of the Legislature having jurisdiction over financial services matters is authorized to report out a bill on the subject matter of this report to the First Regular Session of the 125th Legislature. Senate Amendment "A" was not adopted.

Enacted Law Summary

Maine law currently prohibits sellers from imposing a surcharge on the use of credit cards. Public Law 2009, chapter 618 extends this prohibition to the use of debit cards.

LD 1819 An Act To Implement the Recommendations of the Advisory Council on Health Systems Development Relating to Payment Reform

PUBLIC 609

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	S-485

LD 1819 is submitted by the Joint Standing Committee on Insurance and Financial Services and implements the recommendations made by the Advisory Council on Health Systems Development related to payment reform. The bill requires the Advisory Council on Health Systems Development to review and evaluate payment reform models