

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

*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; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

**LD 642**

**An Act To Require Insurance Companies To Reissue Qualifying Long-term Care Partnership Policies**

**PUBLIC 198**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSEL	OTP-AM MAJ OTP-AM MIN	H-209

This bill requires insurers to reissue long-term care insurance policies that qualify for the Long-term Care Partnership Program pursuant to the Maine Revised Statutes, Title 22, section 3174-GG upon a request from a policyholder to exchange a long-term care insurance policy issued prior to July 1, 2009. An insurer may not impose additional underwriting requirements or place the insured in a less favorable rating plan or classification.

**Committee Amendment "A" (H-209)**

This amendment is the majority report of the committee and replaces the bill. The amendment requires an insurer that actively markets long-term care insurance policies that qualify for the Long-term Care Partnership Program pursuant to the Maine Revised Statutes, Title 22, section 3174-GG to provide notice to an individual or employer that purchased a tax-qualified long-term care insurance policy on or after July 1, 2004 but before the date the insurer began actively marketing partnership policies that the individual or employer may be eligible to participate in the Long-term Care Partnership Program. The amendment also requires the insurer to identify whether a policy meets the requirements of the Long-term Care Partnership Program. If a policy meets the requirements, an insurer is required to notify the policyholder and amend the policy's effective date to reflect partnership status. If a policy does not meet all of the requirements, an insurer is required to offer an exchange of the policy and apply its underwriting and rating standards.

The amendment also permits a policyholder of a tax-qualified policy purchased prior to July 1, 2004 to request that an insurer review the policy to determine whether the policy meets the requirements of the Long-term Care Partnership Program. If a policyholder makes a request more than 12 months after the effective date of the provision, the insurer is not obligated to review the policy.

**Committee Amendment "B" (H-210)**

This amendment is the minority report of the committee and replaces the bill. The amendment requires an insurer that actively markets long-term care insurance policies that qualify for the Long-term Care Partnership Program pursuant to the Maine Revised Statutes, Title 22, section 3174-GG to provide notice to an individual or employer that purchased a tax-qualified long-term care insurance policy on or after July 1, 2004 but before the date the insurer began actively marketing partnership policies that the individual or employer may be eligible to participate in the Long-term Care Partnership Program. The amendment also requires the insurer to identify whether a policy meets the requirements of the Long-term Care Partnership Program. If a policy meets the requirements, an insurer is required to notify the policyholder and amend the policy's effective date to reflect partnership status. If a policy does not meet all of the requirements, an insurer is required to offer an exchange of the policy and apply its underwriting and rating standards.

Committee Amendment "B" was not adopted.

**Enacted Law Summary**

Public Law 2011, chapter 198 requires an insurer that actively markets long-term care insurance policies that qualify for the Long-term Care Partnership Program pursuant to the Maine Revised Statutes, Title 22, section 3174-GG to provide notice to an individual or employer that purchased a tax-qualified long-term care insurance policy on or after July 1, 2004 but before the date the insurer began actively marketing partnership policies that the individual or employer may be eligible to participate in the Long-term Care Partnership Program. The law also requires the

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insurer to identify whether a policy meets the requirements of the Long-term Care Partnership Program. If a policy meets the requirements, an insurer is required to notify the policyholder and amend the policy's effective date to reflect partnership status. If a policy does not meet all of the requirements, an insurer is required to offer an exchange of the policy and apply its underwriting and rating standards.

Public Law 2011, chapter 198 also permits a policyholder of a tax-qualified policy purchased prior to July 1, 2004 to request that an insurer review the policy to determine whether the policy meets the requirements of the Long-term Care Partnership Program. If a policyholder makes a request more than 12 months after the effective date of the provision, the insurer is not obligated to review the policy.

**LD 645      Resolve, To Replace Maine's Health Insurance System with the Type of      ONTP**  
**System Used in New Hampshire**

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

This resolve requires the Department of Professional and Financial Regulation, Bureau of Insurance to compare current state law regulating individual and group health insurance with New Hampshire law and develop proposed legislation to conform state law to New Hampshire law. The resolve requires the Bureau of Insurance to submit a report, along with proposed legislation, to the Joint Standing Committee on Insurance and Financial Services no later than January 15, 2012. The resolve authorizes the Joint Standing Committee on Insurance and Financial Services to report out a bill to the Second Regular Session of the 125th Legislature.

**LD 660      An Act To Clarify the Responsibilities of Pharmacy Benefits Managers      ONTP**  
**and Preferred Provider Organizations**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI MARTIN T	ONTP	

This bill provides that requirements governing the relationships between pharmacy providers and insurance carriers also apply to pharmacy benefits managers and preferred provider organizations that administer pharmacy services.

**LD 672      An Act To Provide Reasonable Uninsured Motorist Coverage      ONTP**

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

Under current law, the amount of uninsured vehicle coverage for motor vehicle insurance policies not subject to the Maine Automobile Insurance Cancellation Control Act may not be less than the minimum limits for bodily injury liability insurance provided for under the Maine Revised Statutes, Title 29-A, section 1605. This bill requires that the amount of uninsured motor vehicle coverage for such policies be equal to the amount of coverage for liability for bodily injury or death in the policy offered or sold to the purchaser.