

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<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 2013

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# STATE OF MAINE

126<sup>TH</sup> LEGISLATURE

FIRST REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126<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 126<sup>th</sup> Legislature is October 9, 2013. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Insurance and Financial Services*

**LD 603      An Act To Repeal an Insurance Reporting Requirement**

**PUBLIC 52**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY WHITTEMORE	OTP	

This bill repeals a requirement that the Department of Professional and Financial Regulation, Superintendent of Insurance provide an annual report to the Department of Labor, Bureau of Labor Standards regarding workers' compensation insurance premium and loss costs data as well as similar information with respect to workers' compensation self-insurance.

**Enacted Law Summary**

Public Law 2013, chapter 52 repeals a requirement that the Department of Professional and Financial Regulation, Superintendent of Insurance provide an annual report to the Department of Labor, Bureau of Labor Standards regarding workers' compensation insurance premium and loss costs data as well as similar information with respect to workers' compensation self-insurance.

**LD 627      An Act Relating to Orally Administered Cancer Therapy**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN HOBBINS	OTP-AM	

This bill requires health insurance policies that cover cancer chemotherapy to include coverage for orally administered anticancer medications.

**Committee Amendment "A" (S-160)**

This amendment replaces the bill with a resolve. The amendment directs the Department of Professional and Financial Regulation, Bureau of Insurance and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to jointly convene a work group to review and report on insurance coverage as it relates to the affordability and accessibility of chemotherapy treatment in Maine. The amendment requires the Bureau of Insurance, after consultation with the Maine Center for Disease Control and Prevention and work group members, to submit a written report on behalf of the work group by December 1, 2013 to the Joint Standing Committee on Insurance and Financial Services and authorizes the committee to report out a bill based on the report. The amendment also adds an appropriations and allocations section.

This bill was recommitted to the Insurance and Financial Services Committee and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 628      An Act To Clarify Uninsured Vehicle Coverage for Multiple Claimants**

**PUBLIC 284**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ CROCKETT	OTP-AM ONTP	S-146

This bill provides that in the event that an underinsured vehicle policy applicable to 2 or more claimants contains a

*Joint Standing Committee on Insurance and Financial Services*

single per accident limit, the amount of underinsured vehicle coverage available to each claimant must be calculated by deducting any payment received from the owner or operator of the underinsured motor vehicle from that single limit. In no event may the maximum amount payable by the insurer to all claimants exceed that limit.

**Committee Amendment "A" (S-146)**

This amendment is the majority report of the committee and replaces the bill. The amendment incorporates the substantive provisions of the bill and makes technical changes to clarify the language.

**Enacted Law Summary**

Public Law 2013, chapter 284 provides that, in the event that an underinsured vehicle policy applicable to 2 or more claimants contains a single per accident limit, the amount of underinsured vehicle coverage available to each claimant must be calculated by deducting any payment received from the owner or operator of the underinsured motor vehicle from that single limit. In no event may the maximum amount payable by the insurer to all claimants exceed that limit.

**LD 637      An Act To Prohibit Consideration of Preexisting Conditions in      ONTP**  
**Short-term Disability Insurance**

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

This bill prohibits an insurer that issues group short-term disability insurance on or after January 1, 2014 from refusing to provide coverage on the basis of a preexisting condition and from imposing any exclusion on coverage based on that preexisting condition.

**LD 645      An Act To Allow the Adjustment of the Assessment Rate for the Rural      PUBLIC 170**  
**Medical Access Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE FITZPATRICK	OTP	

Currently, the Rural Medical Access Program assessment rate is 0.75% of professional liability insurance premium, which results in annual revenues in excess of annual costs. This bill authorizes the Superintendent of Insurance to lower the assessment rate by rule in order to allow for the orderly and prudent drawdown of excess funds not needed by the program.

**Enacted Law Summary**

Currently, the Rural Medical Access Program assessment rate is 0.75% of professional liability insurance premium, which results in annual revenues in excess of annual costs. Public Law 2013, chapter 170 authorizes the Superintendent of Insurance to lower the assessment rate by rule in order to allow for the orderly and prudent drawdown of excess funds not needed by the program.