

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
127<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**

August 2015

**MEMBERS:**

SEN. RODNEY L. WHITTEMORE, CHAIR  
SEN. LINDA L. BAKER  
SEN. GEOFFREY M. GRATWICK

REP. HENRY E. M. BECK, CHAIR  
REP. TERRY K. MORRISON  
REP. JANICE E. COOPER  
REP. HEIDI E. BROOKS  
REP. GINA M. MELARAGNO  
REP. RALPH L. TUCKER  
REP. RAYMOND A. WALLACE  
REP. JOHN JOSEPH PICCHIOTTI  
REP. ROBERT A. FOLEY  
REP. DWAYNE W. PRESCOTT

**STAFF:**

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

# STATE OF MAINE

127<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 127<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. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. 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

Public Law 2015, chapter 133 establishes a supervising travel insurance producer license under the Maine Insurance Code. The law regulates the practice of providing travel insurance to consumers in the State and sets out the requirements for allowing a travel retailer to offer and disseminate travel insurance.

### LD 978 An Act To Promote Patient Choice and Access to Health Care

PUBLIC 111

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOORE	OTP-AM	H-118

This bill prohibits a health insurance carrier from refusing to reimburse a provider for providing a health care service or procedure covered under a health plan as long as the provider is acting within the lawful scope of that provider's license, registration or certification in the delivery of the covered service or procedure. The bill also prohibits a carrier from creating or using a provider-specific billing code or policy not listed in a nationally recognized coding system or from discriminating in its benefit design to circumvent the requirement.

#### Committee Amendment "A" (H-118)

This amendment replaces the bill. The amendment prohibits health insurance carriers offering individual and group health plans from refusing to reimburse for services provided by a chiropractor acting within the scope of the chiropractor's license if the services are covered by the carrier and the chiropractor participates in the carrier's provider network. The amendment applies to all policies and contracts issued or renewed on or after January 1, 2016.

#### Enacted Law Summary

Public Law 2015, chapter 111 prohibits health insurance carriers offering individual and group health plans from refusing to reimburse for services provided by a chiropractor acting within the scope of the chiropractor's license if the services are covered by the carrier and the chiropractor participates in the carrier's provider network.

The law applies to all policies and contracts issued or renewed on or after January 1, 2016.

### LD 1092 An Act To Prevent Abusive Debt Collection Practices

PUBLIC 272

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER LIBBY	OTP-AM	H-378

This bill amends the Maine Fair Debt Collection Practices Act to provide protection to debtors with regard to collection actions by debt buyers. The bill provides that a debt may not be collected if a debt buyer violates the Act. A debt buyer may not collect on a debt without providing specified information that includes the name of the original creditor and all intervening creditors, as well as the sources of added fees and interest. The information must be included in the complaint to initiate the cause of action to collect the debt.

The bill establishes a three year statute of limitations that replaces all other limitations unless the existing limitations is a shorter period.

#### Committee Amendment "A" (H-378)

This amendment replaces the bill. This amendment requires any payment agreement entered into with a debt collector to be documented in open court, approved by the court and included in a court order or otherwise reduced to writing. The amendment prohibits a debt collector from suing on a debt if the statute of limitations period has

## *Joint Standing Committee on Insurance and Financial Services*

expired and provides that a consumer's payment or other activity on a debt that is made after the expiration of the statute of limitations period does not reset the statute of limitations period.

### **Enacted Law Summary**

Public Law 2015, chapter 272 requires any payment agreement entered into with a debt collector to be documented in open court, approved by the court and included in a court order or otherwise reduced to writing. The law also prohibits a debt collector from suing on a debt if the statute of limitations period has expired and provides that a consumer's payment or other activity on a debt that is made after the expiration of the statute of limitations period does not reset the statute of limitations period.

### **LD 1150     *An Act Regarding Maximum Allowable Cost Pricing Lists Used by Pharmacy Benefit Managers*     **CARRIED OVER****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS WHITTEMORE	OTP-AM ONTP	

This bill establishes requirements for maximum allowable cost pricing lists used by pharmacy benefits managers and requires pharmacy benefits managers to make disclosures regarding that pricing and the methods used to establish that pricing to plan sponsors. It establishes an appeal process for pharmacies for disputes relating to maximum allowable cost pricing. The bill also provides for financial penalties for violations.

#### **Committee Amendment "A" (H-183)**

This amendment is the majority report of the committee. The amendment provides that a pharmacy benefits manager may set a maximum allowable cost for a prescription drug only if that drug is nationally available and has two or more nationally available therapeutically equivalent drug substitutes with a significant cost difference rather than three or more as provided in the bill. The amendment also replaces the provision in the bill authorizing the Superintendent of Insurance to enforce violations with a provision granting a pharmacy the right to request mediation by a private mediator to resolve disagreements related to maximum allowable cost pricing.

The amendment specifies that the provisions apply to contracts between a pharmacy and a pharmacy benefits manager executed or renewed on or after January 1, 2016.

This bill was reported out of committee, then committed back to the Joint Standing Committee on Insurance and Financial Services and was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

### **LD 1242     *An Act To Protect Maine Consumers from Medical Identity Theft*     **Accepted Majority (ONTP) Report****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK COOPER	ONTP OTP-AM	

This bill directs an insurance carrier that provides insurance in the State to take certain measures to protect the data and identity of a person insured by the carrier on or after January 1, 2004, including encrypting all medical and personal data of the insured, providing medical identify theft protection and a guarantee of recompense for 10 years following the breach, aligning all policies with a national medical fraud alliance approved by the Department of Professional and Financial Regulation, Bureau of Insurance and requiring all carriers to develop and implement a policy approved by the bureau that ensures strict adherence to the compliance rules under the federal Health