

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2017

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STATE OF MAINE

128TH LEGISLATURE
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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 128th 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.

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 128th Legislature is Wednesday, November 1, 2017. 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 6 An Act To Prohibit Insurance Carriers from Charging Enrollees for Prescription Drugs in Amounts That Exceed the Drugs' Costs

PUBLIC 44

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G FOLEY R	OTP-AM	S-22 S-40 WHITTEMORE R

This bill prohibits a health insurance carrier from retroactively reducing payment on a properly submitted claim by a pharmacy provider. The bill also prohibits a carrier from charging or holding a pharmacy provider responsible for any fee related to a claim that is not apparent at the time the carrier processes the claim, that is not reported on the remittance advice or after the initial claim is adjudicated by the carrier.

Committee Amendment "A" (S-22)

This amendment replaces the bill and changes the title. The amendment prohibits a carrier or pharmacy benefits manager from imposing on an enrollee in a health plan a copayment or other charge that exceeds the cost of the medication. The amendment also prohibits a carrier or pharmacy benefits manager from penalizing a pharmacy provider for disclosing relevant information about the cost or clinical efficacy of a medication to an enrollee.

Senate Amendment "A" To Committee Amendment "A" (S-40)

This amendment specifies that the information that may be communicated without penalty by a pharmacy provider to an enrollee in a health plan regarding cost of a prescription drug or alternative medication is limited to information that pertains to that enrollee's out-of-pocket cost.

Enacted Law Summary

Public Law 2017, chapter 44 prohibits a carrier or pharmacy benefits manager from imposing on an enrollee in a health plan a copayment or other charge that exceeds the cost of the medication. The law also prohibits a carrier or pharmacy benefits manager from penalizing a pharmacy provider for disclosing relevant information about an enrollee's out-of-pocket cost or the clinical efficacy of a prescription drug or alternative medication to an enrollee.

LD 12 An Act To Incorporate Protections for Living Donors into Maine Law

PUBLIC 20

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C DIAMOND B	OTP-AM	H-6

This bill prohibits a denial of coverage or an increase in insurance premiums for life insurance, disability insurance or long-term care insurance for living organ donors. The bill also requires the Department of Health and Human Services to establish, maintain and operate an information service to educate the public on live organ donation.

Committee Amendment "A" (H-6)

This amendment adjusts language in section 2 of the bill to clarify that insurers may not discriminate in the offering, issuance, cancellation, amount of coverage, price or other condition of a life insurance, disability insurance or long-term care insurance policy based solely and without any additional actuarial justification upon the status of an individual as a living organ donor. The amendment also removes the section of the bill that requires the Department of Health and Human Services to establish, maintain and operate an information service to educate the public on live organ donation.

Enacted Law Summary

Joint Standing Committee on Insurance and Financial Services

Public Law 2017, chapter 20 prohibits an insurer authorized to do business in this State from:

1. Limiting coverage or refusing to issue or renew coverage of an individual under any life insurance, disability insurance or long-term care insurance policy due to the status of an individual as a living donor;
2. Precluding an individual from donating all or part of an organ as a condition of receiving coverage under a life insurance, disability insurance or long-term care insurance policy;
3. Considering the status of an individual as a living organ donor in determining the premium rate for coverage of that individual under a life insurance, disability insurance or long-term care insurance policy; or
4. Otherwise discriminating in the offering, issuance, cancellation, amount of coverage, price or other condition of a life insurance, disability insurance or long-term care insurance policy based solely and without any additional actuarial justification upon the status of an individual as a living organ donor.

LD 145 An Act To Protect Consumers from Closure of Inactive Bank Accounts ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D CARSON B	ONTP	

This bill requires a financial institution authorized to do business in this State to notify a holder of an inactive or unclaimed account by registered mail before the closure of the account or the disposition of the money of that closure or disposition.

LD 192 An Act To Require Insurance Coverage for Hearing Aids CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J BELLOWS S	OTP-AM	H-177

This bill requires insurance plans to provide coverage for hearing aids at a minimum of \$3,000 per hearing aid to all individuals with documented hearing loss.

Committee Amendment "A" (H-177)

This amendment makes the bill's requirements for coverage of hearing aids apply to insurance plans issued or renewed on or after January 1, 2019. The amendment also adds language exempting the bill from the provisions of the Maine Revised Statutes, Title 24-A, section 2752.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.