

MAINE STATE LEGISLATURE

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STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH COVERAGE,
INSURANCE AND FINANCIAL SERVICES**

December 2021

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**JOINT STANDING COMMITTEE ON HEALTH COVERAGE,
INSURANCE AND FINANCIAL SERVICES**

LD 6 An Act To Revise Certain Financial Regulatory Provisions of the Maine Insurance Code

ENACTED LAW SUMMARY

Public Law 2021, chapter 16 updates several provisions of the Maine Insurance Code by incorporating recent amendments to model laws adopted by the National Association of Insurance Commissioners, or NAIC, and by making related technical changes.

The law corrects a conflict in the law governing examination of insurers by the Superintendent of Insurance and eliminates obsolete transition language.

The law clarifies that adjudicatory proceedings conducted under the Maine Revised Statutes, Title 24-A, section 222 to review changes of control of domestic insurers are governed by the same procedural requirements as other Department of Professional and Financial Regulation, Bureau of Insurance adjudicatory proceedings and that multistate proceedings conducted under Maine law are considered public proceedings to the same extent as single-state proceedings subject only to the exceptions expressly enumerated in Title 24-A, section 222, subsection 7-A, paragraph D.

The law clarifies that when an insurer or insurance group is required to conduct an own risk and solvency assessment, the assessment must be conducted in compliance with the NAIC Own Risk and Solvency Assessment (ORSA) Guidance Manual, as well as include the summary report as required under current law.

The law corrects a conflict between Title 24-A, section 731-B, subsections 1 and 3, clarifying that subsection 1 is not the exclusive mechanism by which credit for reinsurance may be granted, and clarifies that section 731-B, subsection 3 allows other forms of security to the extent authorized by the Superintendent of Insurance by rule.

The law provides that documents that a certified reinsurer is required to file are not public records if they are confidential under the laws of the reinsurer's domiciliary jurisdiction.

The law brings Maine into compliance with the bilateral agreements entered into by the United States with the European Union and the United Kingdom by enacting the 2019 amendments to the NAIC Credit for Reinsurance Model Law, which provide a mechanism for large, financially strong non-United States reinsurers to qualify for eligibility by reciprocity to assume reinsurance from domestic insurers without posting security.

The law corrects a NAIC drafting error from 2000 that inadvertently transposed the content of the definitions of "repurchase transaction" and "reverse repurchase transaction."

The law corrects an inconsistency between Title 24-A, section 4215, subsection 1, which requires health maintenance organizations, or HMOs, to be examined by the Superintendent of Insurance at least every three years, and Title 24-A, section 221, which applies to HMOs pursuant to Title 24-A, section 4222-B, subsection 5 and which permits the examination period to be extended to five years. It also authorizes the superintendent to accept the domiciliary chief regulatory official's

ENACTED LAW SUMMARIES

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examination in satisfaction of Maine's requirement when a company is domiciled outside Maine. The purpose of these amendments is to allow Maine to participate in coordinated examinations with synchronized schedules for HMOs that are members of insurance groups.

The law amends the reciprocity provisions of Maine's receivership laws by recognizing as reciprocal states those states with laws determined by the Superintendent of Insurance to be adequate or substantially similar to the NAIC's model insolvency laws, and brings Maine into conformity with the NAIC's guidelines for interstate recognition of stays and injunctions in receivership.

Public Law 2021, chapter 16 was enacted as an emergency measure effective March 17, 2021.

LD 25 An Act To Modify the Qualifications for Resident Dentist Licensure

ENACTED LAW SUMMARY

Public Law 2021, chapter 88 authorizes the Board of Dental Practice to consider the educational equivalent of a doctoral degree in dentistry in determining the educational qualifications of an applicant for a resident dentist license who graduated from a dental program that was not accredited by the American Dental Association Commission on Dental Accreditation. The law also requires an applicant for a resident dentist license to pass only a jurisprudence examination and adds to the requirements governing the provision of dental services by a dental resident a requirement that they be provided in a board-approved setting.

Public Law 2021, chapter 88 was enacted as an emergency measure effective June 8, 2021.

LD 26 An Act To Allow a Dentist To Administer Botulinum Toxin and Dermal Fillers

ENACTED LAW SUMMARY

Public Law 2021, chapter 134 authorizes within a dentist's scope of practice the use of botulinum toxins or dermal fillers when supported by a patient's diagnosed dental condition or as a part of a patient's dental treatment plan. It also adds additional grounds the Board of Dental Practice may consider when taking disciplinary action against a dentist to include administering botulinum toxins or dermal fillers to a patient for a nondental condition or treatment. The law states that these changes are not intended to restrict the existing practice of oral surgeons.

The law also places into statute the limitations on a dentist's administering botulinum toxins or dermal fillers that were in former Board of Dental Practice rule Chapter: Complaints/Investigations/Unprofessional Conduct, which was repealed and replaced on April 5, 2020.

Public Law 2021, chapter 134 was enacted as an emergency measure effective June 10, 2021.