

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
131<sup>ST</sup> 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**

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**STATE OF MAINE**  
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**LEGISLATIVE DIGEST OF BILLS AND  
SUMMARIES OF ENACTED LAWS**

This *Legislative Digest of Bills and Summaries of Enacted Laws* provides the disposition of all LDs and summaries of all laws enacted or finally passed during the First Regular and First Special Sessions of the 131st Maine Legislature. Please note that all LDs and proposed amendments may be found through the Legislature’s webpage, and each includes a summary of what the bill or amendment proposed.

The *Legislative Digest of Bills and Summaries of Enacted Laws* is arranged alphabetically by committee. Within each committee section is a subject index of all LDs considered by that committee as well as a digest of the LDs, arranged by LD number. Also included are enacted law summaries of the LDs enacted or finally passed. Brief analyst notes on certain LDs are also included: a committee digest will indicate if additional notes are provided for an LD. These notes add information staff found useful and may provide useful information to users of this *Digest*; please note that most LDs do not have a note and lack of a note should not be interpreted as having any significance. A separate section of the *Digest* provides a digest of the relatively few LDs that were not referred to a committee or reported from a committee as a committee bill; enacted law summaries of the LDs enacted or finally passed are provided. Finally, an appendix provides a summary of relevant session statistics.

The final disposition of each LD is noted in the relevant summary digest and index. 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 and First Special Sessions of the 131st Legislature is Thursday, June 29, 2023 and Wednesday, October 25, 2023, respectively. 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 HEALTH COVERAGE,  
INSURANCE AND FINANCIAL SERVICES**

**LD 1271 An Act to Require A Disclaimer On Promotional Materials For Medicare, Medicaid And Mainecare Products By Private Entities**

**ENACTED LAW SUMMARY**

Public Law 2023, chapter 243 requires, on promotional material using the terms "Medicare," "Medicaid" or "MaineCare," prominent disclaimers stating the promotional material is an advertisement or solicitation by a private company that is not Medicare, Medicaid or MaineCare or any other governmental agency, and that these disclaimers and any other disclaimer on the material be in a large type size and distinctive type color. A disclaimer is not required on any informational brochure or other material distributed by a person that does not sell or profit from the sale of any insurance product. A violation of this requirement is an unfair trade practice subject to enforcement by the Attorney General.

Public Law 2023, chapter 243 also requires that licensed persons under the Maine Insurance Code meet the same disclaimer requirement on printed materials marketing Medicare products, except for informational brochures or other material developed or distributed by a state or federal regulatory agency or a nonprofit organization, or information related to an existing insurance policy. The requirement does not apply to marketing material that has been filed with and approved by the Superintendent of Insurance, or filed with and approved by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services or filed with the Centers for Medicare and Medicaid Services under that agency's policies allowing for the filing and use of certain marketing materials. A violation of this requirement is an unfair trade practice under the Maine Insurance Code.

**LD 1277 An Act to Amend The Laws Regarding Real Property Investment By Credit Unions**

**ENACTED LAW SUMMARY**

Public Law 2023, chapter 260 authorizes credit unions to invest in real property for a limited period of time to facilitate a member's acquisition, financing or refinancing of owner-occupied residential property consisting of not more than 4 dwelling units located in this State, unless prohibited by federal law.

**LD 1372 An Act to Amend the Workers' Compensation Self-insurance Laws to Allow for the Use of Fronting Companies**

**ENACTED LAW SUMMARY**

Public Law 2023, chapter 393 provides that, beginning June 1, 2024 and until May 31, 2029, an employer member of a group self-insurer licensed under the Maine Revised Statutes, Title 39-A may insure its employees through a fronting arrangement. The law requires that the members of a group self-insurance reinsurance account have at least \$50,000,000 in net worth and provides

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

that the assets of the members of the group self-insurance reinsurance account must be available to satisfy the obligations of the fronting company if the assets of the group self-insurer are inadequate to cover the obligations of the fronting company.

Public Law 2023, chapter 393 clarifies that the requirements of the Maine Insurance Code and rules adopted under the Insurance Code do not apply to a fronting company except to the extent that those provisions and rules are consistent with the requirements set forth in this law and any rules for fronting companies adopted by the Superintendent of Insurance pursuant to this law. No later than January 1, 2024, the Superintendent of Insurance must adopt provisionally adopt major substantive rules to implement the requirements.

The law also provides that beginning June 1, 2029 a group self-insurer or group self-insurance reinsurance account may only administer and handle claims for an employer member through a fronting arrangement in place prior to June 1, 2029.

**LD 1373 An Act to Allow Employers to Shop for Competitive Health Plan Options by Expanding the Disclosure of Health Claims Information**

**ENACTED LAW SUMMARY**

Public Law 2023, chapter 297 expands the scope of loss information that must be provided to an employer to facilitate the employer's shopping for group health insurance coverage, including disclosure of a minimum of 24 months of claims data, to the extent possible, including aggregate claims and loss ratio by month with the total medical and pharmacy claims provided separately, and information related to high-cost claimants when there are more than 25 enrollees covered under the group policy.

The law authorizes an insurer receiving an information request to transmit high-cost claimant data directly to another insurer or underwriter, or to a contractor or producer that has signed a business associate agreement that is in accordance with federal regulations, for the purpose of securing quotes, developing actuarial reports, facilitating claim management or other activities related to quoting or managing the group health plan sponsored by the requesting group policyholder.

**LD 1383 An Act to Regulate Insurance Carrier Prior Authorization Requirements for Rehabilitative and Habilitative Services**

**ENACTED LAW SUMMARY**

Public Law 2023, chapter 275 requires a health insurance carrier to provide clear written policies and procedures to health care providers and enrollees on how to obtain a prior authorization.

The law also prohibits a carrier from requiring prior authorization for rehabilitative or habilitative services, including, but not limited to, physical therapy services, occupational therapy services or