



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 361

H.P. 267

House of Representatives, February 2, 2017

An Act To Ensure Fair Compensation for Licensed Insurance Agents

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FOLEY of Wells.
Cosponsored by Senator CHENETTE of York and
Representatives: CRAIG of Brewer, PICCHIOTTI of Fairfield, PRESCOTT of Waterboro,
VACHON of Scarborough, WALLACE of Dexter, Senator: WHITTEMORE of Somerset.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24-A MRSA §2189** is enacted to read:

3 **§2189. Requirements related to enrollment in qualified health plans**

4 **1. Definition.** As used in this section, unless the context otherwise indicates,
5 "exchange" has the same meaning as in section 2188, subsection 1, paragraph A.

6 **2. Requirements.** An insurer that offers a qualified health plan in this State through
7 the exchange or outside of the exchange shall:

8 A. Pay a commission to a licensed insurance producer or consultant for the
9 enrollment of an individual or employee in a qualified health plan;

10 B. Require that the enrollment of an individual or employee in a qualified health plan
11 during any special enrollment period authorized under the federal Affordable Care
12 Act is made by a licensed insurance producer or consultant;

13 C. Pay a commission to a licensed insurance producer or consultant for enrollment in
14 a qualified health plan during any special enrollment period that is equal to the
15 commission paid for enrollment during the insurer's annual enrollment period; and

16 D. Prior to authorizing a licensed insurance producer or consultant to enroll an
17 individual or employee during a special enrollment period, require the licensed
18 insurance producer or consultant to undergo training to recognize potential cases of
19 fraud, waste and abuse related to special enrollment periods.

20 **SUMMARY**

21 This bill requires insurers that offer qualified health plans in this State to ensure that
22 only licensed insurance producers and consultants enroll individuals and employees
23 during special enrollment periods and to meet certain compensation requirements for
24 enrollment during annual and special enrollment periods. The bill also requires that these
25 insurance producers and consultants receive training to recognize potential cases of fraud,
26 waste and abuse related to special enrollment periods.