**Maine Bureau of Insurance
Form Filing Review Requirements Checklist**

**Out-of-State Groups
Associations/Trusts/Labor Union Groups/Debtor Groups/Other Groups**

**(Revised 01/25/2021)**

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| REVIEW REQUIREMENTS | **REFERENCE** | DESCRIPTION OF REVIEW STANDARDS REQUIREMENTS  | LOCATION OF STANDARD IN FILING |
| **In addition to the requirements in Maine insurance law that pertains to the particular line of insurance (see appropriate checklist and include with submission), Out-of-state groups must comply with the following:** |
| All Out-of-State Groups  | [24-A M.R.S.A.§ 2412(1-A)](http://legislature.maine.gov/statutes/24-A/title24-Asec2412.html) | All out-of-state group policy filings must clearly identify the type of group the group purports to be and must specifically identify the group policyholder.1-A.    An insurer may not provide coverage to a resident of this State under a group or blanket policy or contract issued and delivered outside this State unless the following requirements of this subsection are met.A. For "other group" insurance policies as defined in sections 2612-A and 2808, all forms must be filed with and approved by the superintendent.B. For trustee group policies as defined in sections 2606-A and 2806 and association group policies as defined in sections 2607-A and 2805-A, certificates of coverage to be delivered or issued for delivery in this State: (1) Must be filed with the superintendent at least 60 days before any solicitation in this State, with sufficient information concerning the nature of the group, including any trust agreements or association bylaws, to enable the superintendent to determine whether the group satisfies the statutory requirements for a trustee or association group; and (2) May not have been disapproved. C. For group or blanket policies other than those specified in paragraphs A and B and in section 2858, the group certificates to be delivered or issued for delivery in this State must be filed with the superintendent at the superintendent's request and may not have been disapproved. D. The superintendent may disapprove a form filed pursuant to this subsection only if: (1) The policy or form is not in compliance with the laws of the state in which it was issued or delivered; (2) The policy or form is not in compliance with the laws of this State that apply when the policy is issued outside this State, such as chapter 36 or section 2843; or (3) The superintendent determines that the form is deceptive or misleading. |  |
| Association Groups  | 24-A M.R.S.A. [§ 2805-A](http://legislature.maine.gov/statutes/24-A/title24-Asec2805-A.html)24-A M.R.S.A. [§2701(2)(C)(1-A)](http://legislature.maine.gov/statutes/24-A/title24-Asec2701.html), [§2736](http://legislature.maine.gov/statutes/24-A/title24-Asec2736.html)[, §2736-A](http://legislature.maine.gov/statutes/24-A/title24-Asec2736-A.html), [2736-B](http://legislature.maine.gov/statutes/24-A/title24-Asec2736-B.html), [§2736-C](http://legislature.maine.gov/statutes/24-A/title24-Asec2736-C.html)24-A M.R.S.A. [§2850-B(5)](http://legislature.maine.gov/statutes/24-A/title24-Asec2850-B.html) | This section includes information on the requirements of the Association including, but not limited to,: the association must have had a minimum of 50 persons when the association was originally formed, shall have been organized & maintained in good faith for purposes other than that of obtaining insurance, shall have been in active existence for at least 2 years, hold regular meetings not less than annually to further purposes of the members, collect dues or contributions from members, and the members must have voting privileges and representation on the governing board and committees. See §2805-A for additional requirements. Association Groups are subject to the requirements concerning guaranteed issue, rating and rate filing that apply to individual health insurance.Guaranteed Renewal; Cessation of Business – If coverage to an employer through an association is terminated, the carrier shall renew the coverage with the employer becoming the policyholder. If coverage to an individual member of an association is terminated, the carrier shall renew the coverage with the individual becoming the policyholder. |  |
| Association Questionnaire | [link](https://www.maine.gov/pfr/insurance/sites/maine.gov.pfr.insurance/files/inline-files/association.docx) | In order to review association groups used in connection with the delivery of life, accident and/or health insurance to the citizens of Maine, carriers are required to complete this questionnaire. |  |
| Association Groups and Trust Groups | 24-A M.R.S.A. [§2808-B(4)](http://legislature.maine.gov/statutes/24-A/title24-Asec2808-B.html)[Bulletin 210](https://www.maine.gov/pfr/insurance/themes/insurance/pdf/210.pdf) | A carrier that provides a health plan to an association or trust must be actively marketing in the small group market in Maine if the plan provides coverage to employees of the association members or trust members.  |  |
| Credit Union Groups  | [24-A M.R.S.A. § 2807-A](http://legislature.maine.gov/statutes/24-A/title24-Asec2807-A.html)24-A M.R.S.A. [§2701(2)(C)(1-A),](http://legislature.maine.gov/statutes/24-A/title24-Asec2701.html) [§2736](http://legislature.maine.gov/statutes/24-A/title24-Asec2736.html)[, §2736-A](http://legislature.maine.gov/statutes/24-A/title24-Asec2736-A.html), [2736-B](http://legislature.maine.gov/statutes/24-A/title24-Asec2736-B.html), [§2736-C](http://legislature.maine.gov/statutes/24-A/title24-Asec2736-C.html) | This section states the requirements under which coverage can be issued to a Credit Union Group. Briefly summarized the requirements are:**1.** The members eligible for insurance are all of the members of the credit union or credit unions or all of any class or classes thereof**2.** The premium for the policy shall be paid either from funds of the credit union or from funds contributed by the insured members specifically for their insurance, or from both.**3.** Except as provided in section 2736-C, section 2808-B and chapter 36, an insurer may exclude or limit the coverage on any member as to whom evidence of individual insurability is not satisfactory to the insurer. Credit Union Groups are subject to the requirements concerning guaranteed issue, rating and rate filing that apply to individual health insurance. |  |
| Debtor Groups  | [24-A M.R.S.A. §2807](http://legislature.maine.gov/statutes/24-A/title24-Asec2807.html) | This section describes what is the allowable make-up of the group  |  |
| Labor Union Groups  | 24-A M.R.S.A. [§2805](http://legislature.maine.gov/statutes/24-A/title24-Asec2805.html) | **1.** The members eligible for insurance under the policy shall be all of the members of the union or organization or all of any class or classes thereof**2.** The premium for the policy shall be paid either from funds of the union or organization, or from funds contributed by the insured members specifically for their insurance, or from both.**3.** Except as provided in section 2736-C, section 2808-B and chapter 36, an insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.  |  |
| Other Groups/Discretionary GroupsRates Filed with an Actuarial MemorandumGuaranteed issue and renewal | [24-A M.R.S.A.§ 2808](http://legislature.maine.gov/statutes/24-A/title24-Asec2808.html)24-A M.R.S.A. [§2701(2)(C)(1-A)](http://legislature.maine.gov/statutes/24-A/title24-Asec2701.html), [2736-B](http://legislature.maine.gov/statutes/24-A/title24-Asec2736-B.html)[24-A M.R.S.A. §2736](http://www.mainelegislature.org/legis/statutes/24-A/title24-Asec2736.html)[24-A M.R.S.A. §2736-C(3)](http://www.mainelegislature.org/legis/statutes/24-A/title24-Asec2736-C.html) | The requirements for Other Groups found in §2808 are:A. The policyholder is a bona fide group formed for purposes other than procurement of insurance,B. The issuance of the group policy would be actuarially sound; C. The issuance of the group policy would result in economies of acquisition or administration;D. The benefits are reasonable in relation to thepremiums charged. Other Groups are subject to the requirements concerning guaranteed issue, rating and rate filing that apply to individual health insurance.Every insurer shall file for approval by the superintendent every rate, rating formula, classification of risks and every modification of any formula or classification that it proposes to use in connection with individual health insurance policies and certain group policies specified in section 2701. If the filing applies to individual health plans as defined in section 2736-C, the insurer shall simultaneously file a copy with the Attorney General. Every such filing must state the effective date of the filing. Every such filing must be made not less than 60 days in advance of the stated effective date, unless the 60-day requirement is waived by the superintendent, and the effective date may be suspended by the superintendent for a period of time not to exceed 30 days. A filing required under this section must be made electronically in a format required by the superintendent unless exempted by rule adopted by the superintendent.**PLEASE NOTE: Rates with an actuarial memorandum must be filed simultaneously with the forms. Forms submitted in advance of rates, will not be approved until rates have been filed, reviewed and approved. If forms are being revised and there is no effect on current rates, please indicate so in the filing cover letter.**Requires guaranteed issue and renewal. |  |
| Trust Groups  | [24-A M.R.S.A. § 2806](http://legislature.maine.gov/statutes/24-A/title24-Asec2806.html) | A group of individuals may be insured under a policy issued to a trust or to the trustee or trustees of a fund established by:-2 or more employers, -one or more labor unions or similar employee organizations, or-one or more employers and one or more labor unions or similar employee organizations.The trust is deemed to be the policyholder and must insure employees of the employers or members of the unions or organizations for the benefit of persons other than the employers or the unions or organizations.This section states who the coverage can be sold to within the trust, how the premium is to be paid, and upon whom the insurer can exclude or limit coverage. See §2806 for greater detail. |  |