

| LINE OF BUSINESS: | Workers Compensation | LINE(S) OF INSURANCE: | CODES: |
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| CODE: | 16 | Alternative Workers' Compensation | 16.0001 |
| | | Employers Liability | 16.0002 |
| | | Excess Workers' Compensation | 16.0003 |
| | | Standard Workers Compensation | 16.0004 |
| IF CHECKLIST IS NOT APPLICABLE, PLEASE EXPLAIN | | | |

| REVIEW REQUIREMENTS | REFERENCES | DESCRIPTION OF REVIEW STANDARDS / REQUIREMENTS |
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| GENERAL REQUIREMENTS FOR ALL FILINGS | | |
| EFFECTIVE DATE | | Policies effective at 12:01 AM Standard Time |
| ELECTRONIC FILINGS | Insurance Bulletin 360 Title 24-A § 2304-A Rate filings Title 24-A § 2412 Filings, approval of forms | Maine requires that all rate and form filings be filed electronically through the NAIC's System for Electronic Rate and Form Filings (SERFF). See also Bureau of Insurance Bulletin 360 Electronic Submissions of Rate and Form Filings. Enter New Business and Renewal effective dates under the General Information tab in SERFF. |
| FILING SUBMISSION | Title 24-A § 2412 Filings, approval of forms Title 24-A § 2304-A Rate filings | Form filing requirements. Rate filing requirements. |
| LINE OF AUTHORITY | Workers' Compensation | Must have requisite certificate of authority to transact business before submitting rate/rule/form filing |
| PRIOR APPROVAL FILE & USE | Title 24-A – §2304-A , Rate filings Title 24-A - §2412 . Filing, approval of forms | |
| SIDE BY SIDE COMPARISON | | Please provide a marked-up copy of the existing rate/rule page(s) or forms being revised highlighting all changes by underlining additions and striking through deletions. |
| THIRD PARTY FILERS AUTHORITY | Title 24-A - §2412 . Filing, approval of forms Title 24-A - §2304-A . Rate filings | Must include authorization to communicate directly with third party filers. |
| WORKERS' COMPENSATION EXCESS INSURANCE | Title 39-A §403(10 &11) Rule Chapter 250 -- Eligibility Requirements to Self-Insure Title 24-A - §4433 . Exclusion from Guaranty Fund | Qualifications for Re-insurance. Eligibility Requirements to Self-Insure Contracts of workers' compensation excess insurance issued to workers' compensation self-insurers approved under former Title 39, section 23 or under Title 39-A, section 403 by any insurer after the effective date of this paragraph, or in the case of a contract that automatically renews, not later than one year after the effective date of this paragraph. |
| FORMS - POLICY PROVISIONS | | |
| ACCESS TO COURTS | Title 24-A - §2433 . Jurisdiction of courts, limitation of actions | Maine Courts have jurisdiction. |

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| ACTION AGAINST COMPANY | Title 24-A - §2433 . Jurisdiction of courts, limitation of actions | Insured must be given 2 years from date of loss to bring suit against insurer. Foreign insurers. |
| AMBIGUOUS & MISLEADING APPLICATIONS | Title 24-A - §2413 . Grounds for disapproval Title 24-A - §2411 . Representations in applications Title 24-A - §2412 . Filing, approval of forms Title 24-A - § 2186 Insurance Fraud Prevention | All statements are considered representations not warranties Must file applications only if to be made part of the policy. The Maine Fraud Warning must appear permanently affixed on all applications (i.e. new business, renewal, supplemental, etc...) |
| ARBITRATION | Title 39-A - §314 . Arbitration | Any workers' compensation claims reaching the hearing stage may go to arbitration if the parties agree in writing. Arbitration shall be in the county in which the injury occurred or elsewhere if the parties agree. |
| CANCELLATION | Title 24-A - §2908 . Cancellation and nonrenewal Title 39-A - §403(1) . Insurance by assenting employer; requirements as to self-insurers | Notice of cancellation must be in writing and given to the insured and to the Maine Workers' Compensation Board at least 30 days in advance. The effective date and the reason for cancellation must be stated on the notice. |
| FICTITIOUS GROUPS | Title 24-A - §2172 . Fictitious groups prohibited | Prohibited |
| FRAUD WARNING | Title 24-A - §2186 . Insurance fraud prevention | Statutory (or substantially similar) wording must be included on all applications (i.e. new business, renewal, supplemental, etc...) and claim forms |
| MANUSCRIPT ENDORSEMENTS | Title 24-A - §2412 . Filing, approval of forms | Manuscript forms must be filed. Each manuscripted change is subject to review and can be filed as a consent to form filing pursuant to 24-A § 2308(2) . |
| NON-COOPERATION WITH PREMIUM AUDIT ENDORSEMENT | | The Bureau will consider up to 2 times (200%) the estimated rating basis. |
| PAYMENT OF TIME LOSS PERIOD | Title 39-A - §205 . Benefit payment | The first payment of compensation for incapacity under Title 39-A, Section 212 or 213 is due and payable within 14 days after the employer has notice or knowledge of the injury or death, on which date all compensation then accrued must be paid. Subsequent incapacity payments must be made weekly and in a timely fashion. Reports shall be furnished to the Maine Workers' Compensation Board as required. |
| POST JUDGMENT INTEREST | Bulletin 353 : Bureau of Insurance Title 14 § 1602-C . Interest after judgment | Maine statutory law provides for the payment of post-judgment interest and case law has held that an insurer must pay post-judgment interest as a supplemental payment without regard to the policy terms (i.e. policy limit, sub-limits, exclusions, deductibles, retentions, etc...). |
| PRIOR APPROVAL FILE & USE | Title 24-A - §2412 . Filing, approval of forms | Statute contains a deemer provision |
| PRIVACY NOTICE | Title 24-A - §2206 . Notice of insurance information practices | See Title 24-A, Ch.24 generally for insurance information and privacy protection. |
| SIGNATURES | Title 24-A - §2416 . Execution of policies | |
| SUBROGATION | Title 24-A - §2910-A . Subrogation; medical payments coverage Title 24-A, §3002 : Standard fire policy required; exceptions | Policy may not provide for subrogation or priority over an insured for medical payments |

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| VOIDANCE | Title 24-A - §2411 . Representations in applications | Do not allow insurers to void coverage for concealment, misrepresentation or fraud except in compliance with Maine case law. See American Home Assurance Co. v. Ingeneri, 479 A.2d 897 (Me. 1984). |
| WARRANTIES | Title 24-A - §2411 . Representations in applications | Statements on applications are deemed to be representations, not warranties |
| RATE, RULE, RATING PLAN, CLASSIFICATION, AND TERRITORY | | |
| "A" RATED RISKS | Title 24-A - §2304-A . Rate filings | "a" rates and ranges must be filed along with any rates designated as "refer to company" or similar phrasing. |
| ADVISORY LOSS COST DELAYS, MODIFICATION, NON-ADOPTION | Title 24-A §2303 Making of rates Title 24-A §2304-A Rate filings Title 24-A - §2304-B . Reference filings Title 24-A §2321-D . Advisory organizations; permitted activity Title 24-A - §2321-E . Filing of prospective loss costs and supplemental information Insurance - Bulletin 176 (Workers' Comp Bulletin 241) | If an insurer that has filed to have its loss cost adjustments remain on file with the Bureau intends to delay, modify, or not adopt particular advisory organization's Reference Filing, the insurer must make a filing with the Bureau. The insurer's filed loss cost adjustments will remain in effect until the insurer withdraws them or files and receives approval of a revised Reference Filing Adoption Form. |
| APPORTIONMENT OF PREMIUM | Rule Chapter 550 Apportionment of Premium | If the policy also covers risks other than Maine exposure, its premium shall be calculated as follows: all Maine exposure must be accurately measured and subject to a separately itemized charge calculated on the basis of the Maine rate. The remainder of the premium must be calculated in a manner that is reasonably designed to reflect the employer's exposure under the worker's compensation laws of other states. |
| CALCULATION OF UNEARNED/RETURN PREMIUM | Title 24-A - §2304-A . Rate filings | Must be filed as part of rating plan |
| CATASTROPHE HAZARDS | Title 24-A - §2303 . Making of rates | Rate provisions must be supported by experience or relevant catastrophe models |
| CHARGES, FEES, & PAYMENT PLANS | Title 24-A, §2304-A : Rate filings Title 24-A, §2403 : "Premium" defined Insurance Bulletin 383 Title 24-A - §2174(2) . Illegal dealing in premiums; excess charges for insurance | Must be filed as part of rating plan |
| CLASSIFICATION SYSTEM | Title 24-A - §2382-B . Uniform Administration of Classifications | |
| COMPETITION | | May support filing by citing specific competitors filing |

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| CONSENT-TO-RATE | Title 24-A - §2308 . Excess rates | A rate in excess of that provided by a filing may be used on any specific risk, providing that the following requirements are satisfied: The insurer files a written application with the superintendent signed by the insured or applicant stating the reasons for the request. The superintendent assents to the use of an excess rate for the specific risk. |
| DEDUCTIBLES | Title 24-A - §2385 . Optional deductibles Title 24-A - §2385-A . Medical expense deductibles Insurance - Bulletin 198 | Indemnity deductibles must be available for indemnity benefits in amounts of \$1,000 and \$5,000 per claim and in other reasonable amounts as may be approved by the superintendent. Claims must first be paid by the insurer and then reimbursed by the employer up to the limit of the deductible. |
| DISAPPROVAL OF RATES, GROUNDS FOR | Title 24-A - §2382-E . Disapproval of rates | Rates in the voluntary market shall be disapproved if they are inadequate or unfairly discriminatory. Rates in the residual market shall be disapproved if they are excessive, inadequate or unfairly discriminatory. |
| EXPENSE MODIFICATION PLAN | Insurance- Bulletin 233 | |
| EXPENSES & EXPERIENCE | Title 24-A - §2303 . Making of rates | Rate and loss costs multiplier calculation should reflect expenses of insurer |
| EXPERIENCE RATING | Title 24-A - §2382-B Title 24-A - §2382-D | |
| FEES & SERVICE CHARGES | Title 24-A § 2304-A . Rate Filings Title 24-A - § 2403 . “Premium” defined Insurance – Bulletin 383 | Must be filed as part of rating plan. Fees and service charges include those associated with collection expense such as installment, nonsufficient funds, reinstatement, late and convenience fees, and other fees associated with policy issuance and delivery. Fees include those imposed by third-party vendors, such as automated clearing houses. |
| FILE & USE | Title 24-A - §2304-A . Rate filings | |
| INDIVIDUAL RISK RATING | Title 24-A - §2303 . Making of rates Title 24-A - §2304-A . Rate filings Title 24-A §2412-A . Large commercial contracts Title 24-A - §2308 . Excess rates | Permitted if risk meets specified criteria. |
| IRPM/ SCHEDULE RATING | Title 24-A - §2304-A . Rate filings | Must be filed as part of rating plan. The maximum aggregate debit/credit permitted is 40%. Note Med. Mal & WC limited to ±25% |
| LOSS COST MULTIPLIERS | Title 24-A - §2304-B . Reference filings Insurance - Bulletin 176 (Workers' Comp Bulletin 241) | Insurer may satisfy rate filing requirements by adopting advisory organization filings and filing loss costs multiplier |
| MERIT RATING | Title 24-A - §2382 Uniform experience rating plan; merit rating plan | |

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| MINIMUM PREMIUM RULES | Title 24-A - §2304-A . Rate filings Insurance - Bulletin 241 | Must be filed as part of rating plan. |
| MULTI-TIER | Title 24-A - §2304-A . Rate filings | Must be filed as part of rating plan |
| PREMIUM AUDIT | Rule Chapter 470 - Premium Audit | |
| PRE-PAYMENT OF PREMIUM | Title 39-A - §402 . Prepayment of premium | An insurance company that issues workers' compensation insurance policies may not require prepayment of premium more than ¼ year in advance. |
| PROFIT LOADING | Title 24-A - §2303 . Making of rates | Rate and loss costs multiplier calculation may reflect profit loading and must include consideration for investment income |
| RATING TIERS | Title 24-A - §2304-A . Rate filings Title 24-A - § 2382-C Insurance - Bulletin 277 | |
| REBATE | Title 24-A - §2162 . Unfair discrimination, rebates prohibited -- property, casualty, surety insurance Title 24-A §2163 . Receipt of rebate, illegal inducement prohibited Insurance Bulletin 233 Insurance Bulletin 384 | |
| RETROSPECTIVE RATING | Title 24-A - §2304-A . Rate filings - for Workers Comp Title 24-A - §2382 . Uniform experience rating plan; merit rating plan | Must be filed as part of rating plan |
| SCHEDULE RATING (AKA UNDERWRITING JUDGEMENT) | Title 24-A - §2382 . Rate standards | Must be filed as part of rating plan and a maximum aggregate credit/debit permitted is 25% |
| SUPPORTING DATA | Title 24-A - §2302-A . Definitions Title 24-A - §2303 . Making of rates Title 24-A - §2304-A . Rate filings Title 24-A - §2304-B . Reference filings Insurance - Bulletin 176 | All aspects of pricing must be filed and supported and/or may adopt advisory organization reference filings and file loss costs multiplier |

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| TRENDING | Title 24-A - §2303 . Making of rates Title 24-A - §2304-A . Rate filings Title 24-A - §2304-B . Reference filings Insurance - Bulletin 176 | All aspects of pricing must be filed and supported by experience and/or may adopt advisory organization reference filing and file loss costs multiplier |
| WRAP-UP RATING | Title 24-A - §2304-A . Rate filings | |