

MAINE STATE LEGISLATURE

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The Availability of Insurance in the Maine Property & Casualty Market

Prepared by the Maine Bureau of Insurance
April 2018

Paul R. LePage
Governor

Anne L. Head
Commissioner

Eric A. Cioppa
Superintendent



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
BUREAU OF INSURANCE
34 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0034

Eric A. Cioppa
Superintendent

April 9, 2018

Senator Rodney L. Whittemore, Chair
Representative Mark W. Lawrence, Chair
Joint Standing Committee on Insurance and Financial Services
100 State House Station
Augusta, ME 04333-0100

RE: Annual Report of the Superintendent on the Availability of Property & Casualty Insurance

Dear Senator Whittemore, Representative Lawrence, and Honorable Members of the Joint Standing Committee:

Please accept this annual report of the Property and Casualty Division of the Maine Bureau of Insurance, in the Department of Professional and Financial Regulation. This report is being issued pursuant to 24-A M.R.S.A. § 2325-A (5).

Individuals with questions about the report are encouraged to contact Frank Kimball, Director of the Property Casualty Division toll free at (800) 300-5000 or on his direct line (207) 624-8451.

Sincerely,



Eric A. Cioppa
Superintendent



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EXECUTIVE SUMMARY

This report is prepared in accordance with 24-AM.R.S.A. § 2325 A(5), which requires the Superintendent of Insurance to report each year to the joint standing committee having jurisdiction over insurance as to whether there is, or may be, a lack of availability in any line of insurance.

Property and casualty coverages are generally available in Maine in the admitted market,¹ with a small percentage of coverage in surplus lines.² During 2017, the market for most lines of property and casualty insurance was relatively stable. Although insurance is generally available, some consumers continue to experience difficulty finding affordable coverage in certain property and casualty lines.

Overall, the personal automobile and homeowners markets in Maine continue to be quite competitive and among the most affordable in the nation. The greatest problem is affordability in the homeowners market for some consumers who have specific exposure issues or claims history. Due to adverse loss experience in recent years, rates in this line continue to increase.

Regarding commercial insurance, professional liability rates for physicians and surgeons decreased in 2014, which was the last rate change for that line. The last rate change for hospital liability occurred in 2013.

PERSONAL AUTOMOBILE INSURANCE

The personal auto insurance market in Maine continues to offer consumers low rates and a wide choice of insurers. In its recently released auto insurance report, the National Association of Insurance Commissioners (NAIC) shows that Maine maintained its position in the top states for the lowest premium in this line for 2015, the most recent year for which data is available. Maine had the third lowest average premiums in the country for the fifth consecutive year (2011-2015).³ Previously, Maine had been ranked fifth lowest in 2010, sixth in 2009, seventh in 2008, and ninth in 2007. No other New England state is in the top ten.

Maine also has the lowest percentage of uninsured drivers in the country at 4.5%, according to an October 2017 report from the Insurance Research Council, based on 2015 data. New York has the second lowest at 6.1% with Florida at the highest with 26.7% of its drivers estimated to be uninsured.

Additionally, the Consumer Federation of America's November 2013 *What Works: A Review of Auto Insurance Regulation in America* identified Maine's auto insurance market as one of the best in the country. This in-depth national study examined the previous two decades of auto insurance regulation, analyzing the success of different regulatory approaches in holding down prices and encouraging competition. Its competitive scaling analysis determined Maine to be the most competitive market of all the states. This study showed Maine as

¹ Admitted insurance is sold by a company that has been licensed by the state in which the policy is purchased. The Bureau of Insurance authorizes admitted insurers to write specific lines of business, such as life, health, homeowners, liability, or workers' compensation.

² "Surplus lines" refers to specialized property or liability coverage provided by a non-admitted insurer in instances where, due to unacceptable risk, it is not available from insurers licensed by the state. The Bureau determines the eligibility of non-admitted insurers to write in the surplus market, subject to solvency requirements and satisfactory claims-handling practices. Maine law provides that property and casualty insurance coverage can be written in the surplus lines market only if an admitted market does not exist for the risk, unless the risk (i.e. the insured) is an exempt commercial purchaser as defined in 24-AM.R.S.A. § 2003(6).

³ This ranking is even more striking when the mandatory minimum limits are considered, as Maine's required minimum limits are the highest in the country at \$50,000 injury per person/\$100,000 injury per accident, and \$25,000 property damage per accident. The majority of states have injury limits of \$25,000/\$50,000, with the lowest at \$10,000/\$20,000, and property damage limits ranging from \$5,000 to \$25,000. Only Alaska matches Maine's required limits, and Alaska is ranked at the 15th *highest* average premium in the 2015 report. The only states with lower average premiums than Maine (Idaho and Iowa) have required minimum limits of \$25,000/\$50,000/\$15,000 and \$20,000/\$40,000/\$15,000.

having the 8th lowest change in average expenditure on auto insurance from 1989 to 2010 (despite Maine's mandatory minimum limits increasing from \$20,000 per person/\$40,000 per accident bodily injury and \$10,000 property damage, to \$50,000 per person/\$100,000 per accident bodily injury and \$25,000 property damage on July 1, 1998).

However, the severity of auto accidents is increasing and, while the issue of distracted driving is not a separate rating factor, accidents involving distracted driving do show up in the losses that are then factored into a carrier's rate filings. Nationally crashes involving distracted drivers kill nine people daily and injure another 1,000, and smartphone-related distraction is a factor in an increasing percentage of crashes.⁴

HOMEOWNERS INSURANCE

According to the NAIC, Maine had the 10th lowest average homeowners premiums for 2015, the most recent year for which data is available. Maine has held at the 10th lowest for four consecutive years (2012-2015), and had been 11th lowest for 2011, 9th lowest for 2010, and 11th lowest for 2009. Maine has had the lowest average premiums in New England for several years.

At the same time, the homeowners market has changed in recent years, both locally and nationally. Some applicants and policyholders, particularly coastal property owners, may continue to have difficulty finding affordable coverage. For the sixth consecutive year, many insurers increased base rates in response to a continuing increase in frequency and size of claims.⁵ Although the overall cost trend for this line showed an average 3.6% increase in 2017, Maine's homeowners rates remain among the most affordable in the country.

Maine's homeowners insurance market continues to be competitive, with the number of active companies and market distribution remaining steady. In 2016, the most recent year for which complete data is available, 93 insurance companies were actively writing this coverage. The top 10 companies wrote 49.99% of the market, and the leading carrier had an 11.87% market share.

Homeowners coverage is generally provided on either a replacement cost or an actual cash value basis. Many insurers continue to focus on efforts to assure that a property's coverage amount is 100% of its replacement cost. This coverage encourages policyholders to match their property coverage with the cost to rebuild their homes, and usually comes with an annual inflation adjustment. Replacement cost coverage allows for full replacement or rebuilding with similar kind and quality of materials, as long as the insurance-to-value requirements are met, without deduction for depreciation.

Actual cash value (ACV) coverage, defined by statute as replacement cost less depreciation, is another option available to policyholders.⁶ It can be a more affordable option for those whose home⁷ would be costly to insure to full replacement value. The limits provided for personal property, detached garages, and out buildings are commonly written as a percentage of the limit on the dwelling itself.

⁴ National Center for Statistics and Analysis. Distracted Driving: 2015, in Traffic Safety Research Notes. DOTHS 812 381. March 2017, National Highway Traffic Safety Administration: Washington, D.C. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812_381_distracteddriving2015.pdf

⁵ Other factors include increases in reinsurance costs and very low investment income.

⁶ 24-AM.R.S.A §3004-A

⁷ Standard homeowners policies provide personal property (contents) coverage (for furniture, appliances, clothing, and other belongings) on an ACV basis, with replacement cost coverage available for an additional charge.

Insurers continue to take steps to reduce policy exposure to some types of loss, which can also reduce premiums. For example, some insurers offer separate deductible options for windstorm, water, and hail damages. Other insurers have amended deductibles from a flat amount, such as \$500 or \$1000 for each loss, to a percentage⁸ of the amount of insurance on the home for all losses, or for losses resulting from certain named perils, such as windstorm or water damage. While this type of deductible increases the policyholder's financial contribution if a loss occurs, it also lowers the premium. Relatively low deductibles of \$250 or \$500 are still available with some insurers, but for a higher premium.

Due to the increased frequency and severity of storms, the affordability of property insurance for coastal and island property remains problematic. Windstorm damage is a major concern for such properties, and new coastal property applicants have some difficulty finding coverage in the admitted market. In 2014, the Bureau held public hearings and developed a Rule pursuant to 24-A.M.R.S. § 3061 to establish standards for the use of a Hurricane Deductible. This regulation, which took effect April 1, 2015, addresses this issue by allowing a higher deductible to apply for hurricanes, yet it also protects policyholders by limiting its applicability to the time period during which the location is actively under a hurricane warning from the National Weather Service and ending 24 hours after the last warning for that forecast area expires. The rule also requires notification to the policyholder when the policy is issued that a hurricane deductible applies to the coverage.

New applicants also continue to experience difficulty obtaining coverage for the following types of risks:

- Homes with prior claims;
- Older mobile homes or manufactured homes;
- Properties that are not well-maintained;
- Homes with businesses on the premises;
- Applicants with certain breeds of dogs or dogs with a bite history;
- Homes that are vacant or unoccupied; and
- Homes that have been uninsured for a period of time.

The surplus lines market has provided coverage for many of these types of exposures, but still accounts for just 1.03% of homeowners written premiums for 2016, a slight decrease from 1.05% of the market in 2015.

MEDICAL LIABILITY (MEDICAL MALPRACTICE) INSURANCE

The medical malpractice market in Maine is highly concentrated, with 79% of the coverage provided by Medical Mutual of Maine. Medical Mutual's most recent rate filing was effective September 1, 2014, with a 3.2% decrease. The previous rate change was in 2011. Some physicians and many facilities, especially nursing homes, continue to depend upon the surplus lines market, paying higher premiums for less coverage. Surplus lines accounts for 5.7% of this market.

SURPLUS LINES MARKET

In 2016, the most recent year for which data is available, surplus lines premiums represented only 2.91% of the entire Maine insurance market.⁹ As of December 31, 2017, 164 companies were eligible as surplus lines insurers.

⁸ For example, a 1% deductible on a \$175,000 limit policy would result in a deductible of \$1,750 for each loss.

⁹ 2016 surplus lines premium information includes a breakdown by foreign and domestic insurers only. State-specific premium data for alien insurers (i.e., insurance companies formed outside of the United States) is not tracked by the NAIC.

Coverage in surplus lines is often more expensive, does not provide the same level of consumer protections¹⁰, and covers fewer perils than insurance obtained in the admitted market. The surplus lines market does, however, serve an important function in Maine's insurance market by providing coverage that would otherwise not be available. In 2017, some commercial risks, including excess workers' compensation, property, liability, wet marine, and surety bonds found coverage in the surplus market.

¹⁰ Admitted insurers are subject to form and, in most cases, rate regulation by the Bureau, and their claims payment obligations are backed by the Maine Insurance Guaranty Fund, which protects policyholders in the event of insolvency of an insurance company. Policies written through surplus lines do not have these protections.