

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BANKING AND INSURANCE

MAY 1992

Staff:
Jane Orbeton, Legal Analyst

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670*

MEMBERS:

**Sen. Judy C. Kany
Sen. Linda Curtis Brawn
Sen. Dale McCormick*

**Rep. Elizabeth H. Mitchell
Rep. Phyllis R. Erwin
Rep. Richard H. C. Tracy
Rep. Harriett A. Ketover
Rep. Ruth Joseph
Rep. Anne M. Rand
Rep. Edward L. Pineau
Rep. Joseph A. Garland
Rep. Peter Hastings
Rep. Joseph G. Carleton*

**Denotes Chair*

IARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
ULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
DON CLARK
YAN M. DYTTER
BRO FLATEBO
EBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
KANE ORBETON



KAREN L. HRUBY
JILL IPPOLITI
JOHN B. KNOX
PATRICK NORTON
MARGARET J. REINSCH
PAUL J. SAUCIER
HAVEN WHITESIDE
MILA M. DWELLEY, RES. ASST.
ROY W. LENARDSON, RES. ASST.
BRET A. PRESTON, RES. ASST.

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1992

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the far right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	Chapter # of enacted Public Law
P&S XXX	Chapter # of enacted Private & Special Law
RESOLVE XXX	Chapter # of enacted Resolve
CON RES XXX	Chapter # of Constitutional Resolution passed by both Houses
EMERGENCY	Enacted law takes effect sooner than 90 days
CARRIED OVER	Bill carried over to Special Session
ONTP	Ought Not to Pass report accepted
LVWD	Leave to Withdraw report accepted
INDEF PP	Bill Indefinitely Postponed
FAILED EMERGENCY ENACTMENT	Emergency bill failed to get 2/3 vote
DIED BETWEEN BODIES	House and Senate disagree; bill died
CONF CMTE UNABLE TO AGREE	Committee of Conference formed but unable to agree
VETO SUSTAINED	Legislature filed to override Governor's Veto
UNSIGNED	Not signed by Governor within 10 days
DIED ON ADJOURNMENT	Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

insurance. The assets may be used only for insurance purposes. Provision of insurance through the state-administered fund does not expand tort liability beyond the limits of the Maine Tort Claims Act, Maine Revised Statutes, Title 14, chapter 741.

The amendment makes several technical changes to the risk management laws to separate provisions that would apply to the self-insurance fund and those that would apply to the state-administered fund. In performing the functions of both funds, the Commissioner of Financial and Administrative Services and the Director of the Risk Management Division are not subject to insurance regulations under Title 24-A. This amendment also adds a fiscal note.

LD 2085 An Act to Amend the Laws Governing Placement of Insurance in the Surplus Lines Market

**PUBLIC 674
EMERGENCY**

SPONSOR(S)

MANNING
MITCHELL E
JOSEPH
KANY

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-922
S-560 KANY

SUMMARY

Current law requires brokers of surplus lines insurance to file monthly reports with the Bureau of Insurance and to remit a surplus lines tax once a year. This bill would require the tax to be remitted with the monthly reports. This bill also changes the date that the report must be filed to the 15th day of each month. The bill also repeals the section of law that requires a broker to file an annual report. The information requested on the annual report and the tax remitted with the report will be done on a monthly basis so the annual report is no longer necessary.

Committee Amendment "A", H-992, changes the payment of the tax to quarterly payments, restores the annual report that is repealed in the bill and moves to a prior section the provision regarding risks or exposures only partially in the State. This amendment also adds a fiscal note.

Senate Amendment "A", S-560, changes the date for the annual report from January to February, making the date consistent with the filing date for quarterly reports.

LD 2088 An Act to Clarify the Rights of Persons to Recover Insurance Proceeds When They Are Injured by an Underinsured Motorist

ONTP

SPONSOR(S)

STEVENS P

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill alters the definition of the term "underinsured motor vehicle" to provide that the comparison on uninsured and underinsured insurance is between the amount of the negligent driver's liability insurance proceeds that an injured person actually receives and the limits of that injured person's uninsured or underinsured coverage, rather than between the negligent driver's liability insurance policy limits and the injured person's uninsured or underinsured policy limits.