

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Insurance and Financial Services*

*August 2005*

**Members:**

*Sen. Nancy B. Sullivan, Chair  
Sen. Arthur F. Mayo III  
Sen. Peter Mills*

*Rep. Anne C. Perry, Chair  
Rep. Lisa T. Marrache  
Rep. John R. Brautigam  
Rep. Charles William Harlow  
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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER ..... Bill Carried Over to Second Regular Session
CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES..... House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED..... Bill held by Governor
VETO SUSTAINED..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

*Joint Standing Committee on Insurance and Financial Services*

**LD 122**                      **Resolve, Regarding Uninsured Motorist Coverage in Automobile Insurance Policies**                      **RESOLVE 100**

<u>Sponsor(s)</u> FISCHER MAYO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-512
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LD 122 proposed to clarify the Legislature's intent regarding the uninsured motorist statute in response to the recent Law Court decision in *Butterfield v. Norfolk and Dedham Mutual Fire Insurance Company*, 2004 ME 124, Maine Supreme Judicial Court, September 30, 2004. The bill proposed to clarify that an insurance policy may limit uninsured motorist coverage to the recovery of damages by an insured person under the policy for bodily injury, sickness or disease, including death, sustained by that insured person.

**Committee Amendment "A" (H-512)** changed the title and replaced the bill with a resolve. The amendment proposed to require the Department of Professional and Financial Regulation, Bureau of Insurance, in consultation with interested persons, to study legal and policy issues regarding uninsured vehicle coverage under motor vehicle insurance policies. The amendment would require the bureau to submit a report on the study, including recommended legislation, to the Joint Standing Committee on Insurance and Financial Services no later than December 5, 2005 and authorize the committee to report out a bill following its review of the report.

***Enacted law summary***

Resolve 2005, chapter 100 requires the Department of Professional and Financial Regulation, Bureau of Insurance, in consultation with interested persons, to study legal and policy issues regarding uninsured vehicle coverage under motor vehicle insurance policies in response to a recent Law Court decision in *Butterfield v. Norfolk and Dedham Mutual Fire Insurance Company*, 2004 ME 124, Maine Supreme Judicial Court, September 30, 2004. The resolve requires the bureau to submit a report on the study, including any recommended legislation, to the Joint Standing Committee on Insurance and Financial Services no later than December 5, 2005 and authorizes the committee to report out a bill following its review of the report.

**LD 127**                      **An Act To Require Health Insurance Policies To Provide Coverage for Physical, Occupational and Speech Therapy**                      **ONTP**

<u>Sponsor(s)</u> DUDLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 127 proposed to require individual and group health insurance policies and health maintenance organization contracts to provide coverage for medically necessary rehabilitation services.