

# MAINE STATE LEGISLATURE

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June 7, 1967

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Interpretation of P. L. 1967, C. 93: An Act Relating to Uninsured Motorist Coverage in Insurance Policies.

**FACTS:**

P. L. 1967, c. 93: An Act Relating to Uninsured Motorist Coverage in Insurance Policies has been signed into law by Governor Curtis. Section 2 of the reference Act provides "This Act shall become effective January 1, 1968."

**QUESTION:**

Whether or not a motor vehicle liability insurance policy in force on January 1, 1968 must contain uninsured motorist coverage?

**ANSWER:**

See Opinion.

**OPINION:**

Section 1 of P. L. 1967, chapter 93 reads as follows:

"Any policy insuring against liability resulting from or incident to the ownership, maintenance or use of a registered motor vehicle shall contain a provision for protection against uninsured motorists for bodily injury, within limits commensurate with the Financial Responsibility Law."

A motor vehicle liability insurance policy placed in force or renewed on January 1, 1968 or thereafter must contain a provision for protection against uninsured motorists for bodily injury. The problem arises whether or not P. L. 1967, chapter 93 applies to policies that are written or renewed before January 1, 1968 and are in force on January 1, 1968 or thereafter.

The language of the reference Act can be construed to apply to policies issued before January 1, 1968 and in force on January 1, 1968 and thereafter as well as to policies issued or renewed on or after the effective date of the Act, January 1, 1968. The language of the reference Act can also be construed to apply only to policies issued or renewed on or after the effective date of the Act, January 1, 1968. To give the first construction would mean that the reference Act would have a retrospective effect, i.e., it would apply to policies that had been placed in force before the effective date of the Act.

The Legislature may pass retrospective laws, Bowman v. Geyer, (1928) 127 Me. 351; Oriental Bank v. Freese, (1841) 18 Me. 109, however, our Court has decided that no statute is to be held retrospective, or in violation of any constitutional provisions, where it affect rights, unless such shall be the necessary construction. Givan v. Marr, (1847) 27 Me. 212. As there can be two constructions re the applicability of P. L. 1967, chapter 93, the construction applying the reference Act to policies issued or renewed before January 1, 1968 is not a necessary construction; therefore, the reference Act cannot be given the retrospective construction and must be given the prospective construction. The prospective construction would require the Act to apply to any policy issued or renewed after the effective date of the Act, January 1, 1968.

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