

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 697**

S. P. 242

In Senate, February 6, 1981

Referred to the Committee on Business Legislation. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Clark of Cumberland.

Cosponsors: Representative J. Mitchell of Freeport and Representative Small of Bath.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Facilitate Recovery under Uninsured Vehicle Coverage.**

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Be it enacted by the People of the State of Maine, as follows:

**24-A MRSA § 2902, sub-§ 1, last sentence**, as enacted by PL 1975, c. 437, § 1, is amended to read:

For the purposes of this section, "underinsured motor vehicle" means a motor vehicle for which coverage is provided, but in amounts less than the minimum limits for bodily injury liability insurance provided for under the motorist's financial responsibility laws of this State or less than the limits of the injured party's uninsured vehicle coverage or less than the actual damages incurred by the injured party.

STATEMENT OF FACT

Under current law, uninsured vehicle coverage is unclear when related to excess of damages over and above an existing liability insurance policy. The reason for uninsured motor vehicle coverage is to insure persons to the extent of their actual damages incurred, for the price of a premium paid to an insurance company. This bill provided that persons insured are covered for the damages they would have been entitled to recover from the owner or operator or a motor vehicle insured for a lesser amount than the actual amount of injury incurred.