

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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**Legislative Document**

**No. 1753**

S.P. 620

March 27, 2007

### **An Act Regarding Health Insurance Coverage for Persons under the Influence of Alcohol or Narcotics**

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.  
Reference to the Committee on Insurance and Financial Services suggested and ordered  
printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator SULLIVAN of York.  
Cosponsored by Representative PERRY of Calais and  
Senator: MARRACHÉ of Kennebec.

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

2 **Sec. 1. 24-A MRSA §2718**, as amended by PL 1973, c. 585, §12, is further  
3 amended to read:

4 **§2718. Optional policy provisions**

5 Except as provided in section 2704, subsection 2, ~~no such~~ a policy delivered or issued  
6 for delivery to any person in this State ~~shall~~ may not contain provisions respecting the  
7 matters set forth in sections 2719 to ~~2728~~, 2727 unless such provisions are in the words in  
8 which the same appear in the applicable section, except that the insurer may, at its option,  
9 use in lieu of any such provision a corresponding provision of different wording approved  
10 by the superintendent ~~which~~ that is not less favorable in any respect to the insured or the  
11 beneficiary. Any such provision contained in the policy ~~shall~~ must be preceded  
12 individually by the appropriate caption or, at the option of the insurer, by such  
13 appropriate individual or group captions or subcaptions as the superintendent may  
14 approve.

15 **Sec. 2. 24-A MRSA §2728**, as enacted by PL 1969, c. 132, §1, is repealed.

16 **Sec. 3. 24-A MRSA §2730**, as enacted by PL 1969, c. 132, §1 and amended by c.  
17 177, §47, is further amended to read:

18 **§2730. Order of certain provisions**

19 The provisions ~~which~~ that are the subject of sections 2704 to 2716, and 2718 to ~~2728~~,  
20 2727 or any corresponding provisions ~~which~~ that are used in lieu thereof in accordance  
21 with such sections ~~shall~~ must be printed in the consecutive order of the provisions in such  
22 sections or, at the option of the insurer, any such provision may appear as a unit in any  
23 part of the policy, with other provisions to which it may be logically related, ~~provided~~  
24 that as long as the resulting policy ~~shall~~ is not ~~be~~ in whole or in part unintelligible,  
25 uncertain, ambiguous, abstruse or likely to mislead a person to whom the policy is  
26 offered, delivered or issued.

27 **SUMMARY**

28 This bill repeals the provision in the Maine Insurance Code that allowed health  
29 insurers to insert a provision in a policy denying liability for loss sustained or contracted  
30 in consequence of the insured's being intoxicated or under the influence of any narcotic.

31 This bill also corrects cross-references to the repealed provision.