

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1304

H.P. 907

House of Representatives, March 31, 2009

An Act Regarding First-party Automobile and Casualty Insurance

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MORRISON of South Portland.
Cosponsored by Representatives: BECK of Waterville, BOLAND of Sanford, EATON of Sullivan, FLAHERTY of Scarborough, GOODE of Bangor, KAENRATH of South Portland, STEVENS of Bangor.

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

2 **Sec. 1. 24-A MRSA §2902, sub-§4,** as enacted by PL 1969, c. 132, §1, is
3 amended to read:

4 4. In the event of payment to any person under uninsured vehicle coverage, ~~and~~
5 subject to the terms of such coverage, to the extent of such payment, and after the person
6 has been fully compensated, the insurer ~~shall be~~ is entitled to the proceeds of any
7 settlement or recovery from any person legally responsible for the bodily injury as to
8 which such payment was made, and to amounts recoverable from the assets of the
9 insolvent insurer of the other motor vehicle.

10 **SUMMARY**

11 This bill responds to the opinion of the Maine Supreme Judicial Court in Jipson v.
12 Liberty Mutual Fire Insurance Company, 2008 ME 57, 942 A.2d 1213, by making an
13 automobile insurance policyholder's coverage excess coverage instead of gap-filling
14 coverage.