

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

CHAPTER 191

S.P. 390 - L.D. 1035

An Act Providing for Amendments to the Adaptive Equipment Loan Program

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, under current law, there is uncertainty regarding borrower eligibility under the Adaptive Equipment Loan Program; and

Whereas, there is further uncertainty regarding legislative responsibility for confirmation of members of the Adaptive Equipment Loan Program Fund Board; and

Whereas, this Act is necessary to permit implementation of the loan program to further the beneficial purposes of the program; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 10 MRSA §371, sub-§3, as enacted by PL 1987, c. 817, §2, is amended to read:

3. Qualifying borrower. "Qualifying borrower" means any individual, for-profit or nonprofit corporation or partnership which demonstrates that the loan will assist one or more persons with disabilities to improve their independence or become more productive members of the community. The individual, corporation or partnership must demonstrate credit worthiness and repayment abilities to the satisfaction of the board.

Sec. 2. 10 MRSA §375, sub-§4 is enacted to read:

4. Distribution. At least 75% of all loans shall go to assist individual qualifying borrowers. Loans to for-profit qualifying borrowers shall represent no more than 50% of the total project cost.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 26, 1989.

CHAPTER 192

S.P. 47 - L.D. 14

An Act to Allow Insurers to Underwrite Mass Marketed Property and Casualty Insurance Plans

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

Sec. 1. 24-A MRSA §2304, sub-§5 is enacted to read:

5. Filings of rates to be utilized in connection with one or more mass marketing plans as defined in section 2932 shall clearly identify their applicability to those plans.

Sec. 2. 24-A MRSA §2937-A is enacted to read:

§2937-A. Disclosure of underwriting

A person is deemed to be engaged in deceptive advertising if the person makes, publishes or circulates or causes to be made, published or circulated any written statement relating to an underwritten Maine mass marketing plan, if that written statement does not include a conspicuous notice that some members of the group to which the plan is marketed will not be eligible for insurance. A person making the statement is subject to a desist order issued under section 2165 and to any applicable penalty provided by law.

Sec. 3. 24-A MRSA §2938, as enacted by PL 1973, c. 625, §146, is repealed.

Sec. 4. 24-A MRSA §2938-A is enacted to read:

§2938-A. Availability

The insurer shall file with the superintendent its underwriting rules pertaining to eligibility for the mass marketing plan. No insurer may use underwriting standards for individual risk selection in a mass marketing plan which are, on the whole, more restrictive than the standards used by that insurer for individual risk selection in the sale of the same kind of insurance in this State other than pursuant to mass marketing plans. If an insurer does not sell that kind of insurance in this State other than pursuant to mass marketing plans, its underwriting standards for individual risk selection in those plans shall, on the whole, be no more restrictive than the standards used by its principal affiliate, if any, for individual risk selection in the sale of that kind of insurance in this State other than pursuant to mass marketing plans. With respect to motor vehicle insurance, all policies issued under the mass marketing plans shall provide at least the financial responsibility limits of coverage stated in Title 29, section 781, subsection 1, paragraph D.

If an insurer rejects an applicant for coverage pursuant to a mass marketing plan, the insurer shall provide a notice of rejection to the applicant. Explanations such as "underwriting reasons," "loss record," "location of risk" and