

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

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has the right to obtain medication from a pharmacy of the resident's choice as provided in section 1826, subsection 1.

See title page for effective date.

## CHAPTER 824

S.P. 849 - L.D. 2178

### An Act to Extend the Sunset and to Evaluate the Motor Vehicle Insurance Laws

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

**Whereas,** the present law will sunset January 1, 1991; and

**Whereas,** the motor vehicle insurance laws of the State are of great concern to the citizens of Maine; and

**Whereas,** there are a number of unresolved issues as to the future of these laws; and

**Whereas,** time is needed to review these issues and to evaluate various aspects of motor vehicle insurance laws; 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.** 1 MRSA §2501, sub-§29 is enacted to read:

**29. Title 29.**

**A. Title 29, section 780, is repealed January 1, 1992.**

**Sec. 2.** 24-A MRSA §2412, sub-§6, as enacted by PL 1987, c. 341, §§1 and 7, is amended to read:

**6. Motor vehicle insurance identification cards.** Pursuant to this section, the superintendent, with the advice of the Secretary of State, shall prescribe a uniform motor vehicle insurance identification card form. The superintendent shall require all insurance companies transacting business within this State to provide with each motor vehicle liability insurance policy an insurance identification card for each vehicle, describing the vehicle covered. When an insured has 5 or more motor vehicles registered in this State, the insurer may use the designation "all owned vehicles" on each card in lieu of a specific description. This ~~section~~ subsection is repealed on January 1, ~~1991~~ 1992.

**Sec. 3.** 29 MRSA §779, as enacted by PL 1987, c. 341, §§3 and 7, is amended to read:

**§779. Purpose**

The Legislature finds that the economic damage inflicted by uninsured motorists goes uncompensated in many cases due to the failure of motorists to maintain liability insurance or other means to insure just compensation for victims of accidents. The present law condones the financial irresponsibility of these motorists until they have already inflicted injuries or damage for which they may be unable to provide compensation. The purpose of this subchapter is to reduce the likelihood that financially irresponsible motorists will operate on the State's highways by instituting a requirement that motorists provide evidence of financial responsibility pursuant to this subchapter. This section is repealed on January 1, ~~1991~~ 1992.

**Sec. 4.** 29 MRSA §780, sub-§8, as enacted by PL 1987, c. 341, §§3 and 7, is amended to read:

**8. Sunset provision.** This section is repealed on January 1, ~~1991~~ 1992. The legislative committee having jurisdiction over the review provided in Title 1, section 2502, is the joint standing committee of the Legislature having jurisdiction over insurance matters.

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

Effective April 10, 1990.

## CHAPTER 825

S.P. 937 - L.D. 2372

### An Act Concerning the Licensing of and Use of Funds Raised by Organizations Operating Games of Chance or Beano

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

**Whereas,** unless this legislation is enacted as an emergency measure, persons who are members, auxiliary members, officers or employees of organizations operating games of chance or beano who are in grave need of financial assistance due to serious illness or injury or casualty loss must be denied such assistance by those organizations; 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.** 17 MRSA §313-A, as enacted by PL 1981, c. 166, is amended to read:

**§313-A. Exemption for elderly**

Clubs, groups or organizations, ~~comprised only of members who~~ composed of individuals at least 90% of whom are at least 62 years of age or older, which that operate "beano" or "bingo" games for their own entertainment and recreation and not for profit, are exempt from application and licensing provisions of this chapter.

**Sec. 2.** 17 MRSA §326 is enacted to read:

**§326. Proceeds**

**1. Remuneration for illness, injury or loss.** An organization licensed to operate "beano" or "bingo" games may pay the proceeds or part of the proceeds from games to a member, auxiliary member, officer or employee of the organization as remuneration for a serious illness or injury or casualty loss if the organization makes an application pursuant to this section and the application is approved by the State Police, Licensing Division.

**2. Application.** An application must be made in such form and contain such information as the licensing division requires.

**A.** In the case of serious illness or injury, the licensing division may require certification by a licensed physician setting out the facts in support of the application.

**B.** In the case of a casualty loss, the licensing division may require statements or reports from a law enforcement agency, rescue or other emergency services personnel or an insurance agency to support the application.

**C.** The licensing division may deny an application if it appears that the person who would receive the proceeds has other adequate means of financial support, including, but not limited to, insurance or workers' compensation benefits.

**3. Rules.** The Chief of the State Police shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375 to carry out this section.

**Sec. 3.** 17 MRSA §335, as repealed and replaced by PL 1975, c. 424, §2, is repealed and the following enacted in its place:

**§335. Proceeds**

**1. Prohibition.** Proceeds of any games of chance may not be used to provide salaries, wages or other remuneration to members, officers or employees of any organization authorized to conduct games of chance under this chapter.

**2. Exception.** Notwithstanding subsection 1, a licensee may pay the proceeds or part of the proceeds of games of chance to a member, auxiliary member, officer or employee of the licensed organization as remuneration for a serious illness or injury or casualty loss, if the licensee makes an application pursuant to this section and the application is approved by the State Police, Licensing Division.

**A.** An application must be made in such form and contain such information as the licensing division requires.

**(1)** In the case of serious illness or injury, the licensing division may require certification by a licensed physician setting out the facts in support of the application.

**(2)** In the case of a casualty loss, the licensing division may require statements or reports from a law enforcement agency, rescue or other emergency services personnel or an insurance agency to support the application.

**(3)** The licensing division may deny an application if it appears that the person who would receive the proceeds has other adequate means of financial support, including, but not limited to, insurance or workers' compensation benefits.

**3. Rules.** The Chief of the State Police shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375 to carry out this section.

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

Effective April 10, 1990.

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**CHAPTER 826**

**H.P. 1600 - L.D. 2224**

**An Act to Provide Additional Remedies for Consumers Injured by Unfair Insurance Trade Practices**

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

**24-A MRSA §12-A, sub-§§1-A and 6** are enacted to read:

**1-A. Equitable relief; actual damages.** In addition to a civil penalty awarded pursuant to subsection 1, the Superior Court may award to any injured insured or applicant for insurance who is represented by the Attorney General reasonable equitable relief and actual damages.