

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 127**H.P. 59 - L.D. 87****An Act Designed to Make the Use and Storage of
Firearms Safer****Be it enacted by the People of the State of Maine as follows:**

25 MRSA §2012 is enacted to read:

§2012. Sale of firearms to include safety brochure

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. “Basic firearm safety brochure” means a brochure, produced by a national, nonprofit membership organization that provides a comprehensive voluntary safety program including the training of people in the safe handling and use of firearms or by any other organization, that contains the following information relating to firearms:

(1) Rules for safe handling, storage and use of firearms;

(2) Nomenclature and descriptions of various types of firearms; and

(3) Responsibilities of firearm ownership.

B. “Firearm” has the same meaning as in Title 17-A, section 2, subsection 12-A.

C. “Firearm dealer” means a person who is licensed as a dealer under 18 United States Code, Section 923, or who is required to be licensed as a dealer under that section.

2. Requirement. A firearm dealer must:

A. Include a basic firearm safety brochure with every firearm sold at retail in this State, except that the brochure need not be supplied by the firearm dealer if the firearm manufacturer provides a basic firearm safety brochure with the firearm. The dealer may collect a charge for the brochure, which may not be greater than the dealer’s cost to obtain the brochure;

B. Offer to demonstrate to the purchaser the use of a trigger locking device; and

C. Post in a conspicuous place information relating to the availability of known local voluntary firearm safety programs.

3. No liability. Organizations that produce basic firearm safety brochures for distribution to firearm dealers

for subsequent distribution to purchasers of firearms and firearm dealers are not liable for injuries resulting from the accidental discharge of nondefective firearms purchased from any dealer.

See title page for effective date.

CHAPTER 128**H.P. 786 - L.D. 1118****An Act to Require Casualty Insurers to Provide an
Annual Valuation of Loss Reserves****Be it enacted by the People of the State of Maine as follows:**

24-A MRSA c. 11, sub-c. II-A is enacted to read:

SUBCHAPTER II-A**PROPERTY CASUALTY INSURANCE RESERVES****§941. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Covered kinds of insurance. “Covered kinds of insurance” include:

A. Casualty insurance as defined in section 707; and

B. Property insurance as defined in section 705. Property insurance written by domestic mutual assessment insurers pursuant to chapter 51 is not subject to the requirements of this subchapter.

2. Qualified actuary. “Qualified actuary” means a person who is a member of the American Academy of Actuaries who has obtained a designation either as a Fellow or an Associate in the Casualty Actuarial Society and, if an Associate, has at least 5 years’ experience in actuarial practice obtained in the kinds of insurance covered in this subsection.

§942. Property and casualty insurance reserves; required annual certifications

A reserve certification prepared by a qualified actuary that meets the requirements of this subchapter must be filed annually on or before March 1st by each insurer writing any of the covered kinds of insurance pursuant to a certificate of authority issued by the superintendent.

§943. Statement of certifying actuary

1. Opinion and statement. The reserve certification must contain an opinion and statement pursuant to this section. The opinion of the certifying, qualified actuary must be expressed on the letterhead of the actuary, indicate the

address of the office rendering the certification and be manually executed and dated. The statement must include the actuary's relevant experience, the absence in the engagement of any actual or potential conflict of interest and the actuary's subscription to the code of professional ethics of the Casualty Actuarial Society.

2. Statement content. The actuary's statement must outline the scope of work performed and set out qualifications or limitations respecting the opinion rendered. If the actuary has relied on other persons to test data underlying the actuary's calculations of required reserves, the actuary shall state the names of the persons performing those tests and include the extent of testing required by the actuary as necessary to express an opinion pursuant to subsection 3.

3. Opinion content. An opinion expressed must identify any material changes in assumptions or methods employed in any previous certification. Opinions must state that reserves are calculated in accordance with generally accepted actuarial loss-reserving standards and are stated fairly and in conformity with sound loss-reserving principles based upon policy provisions and that recorded reserves make good and sufficient provision for obligations of the insurer.

§944. Exceptions

Insurers otherwise subject to the requirements of this subchapter are excused from providing a certification of reserves when in any year:

1. Percentage of aggregate writings. Casualty insurance premiums are not more than 20% of annual aggregate writing of premiums subject to this subchapter; and

2. Gross direct premium limitation. Gross direct premiums subject to this subchapter do not exceed \$10,000,000.

§945. Transition period

The certifications required under this subchapter are due on April 1, 1992 and March 1st of each year thereafter.

§946. Required notice

If, subsequent to the date of the required certification, the certifying qualified actuary becomes aware of material facts that alter the report given, the actuary shall promptly notify the insurer, its board of directors and the superintendent.

§947. Rules authorized

The superintendent may adopt rules necessary to effectuate this subchapter.

See title page for effective date.

CHAPTER 129

H.P. 221 - L.D. 312

An Act to Clarify the Powers and Duties of the Department of Administration, through the Bureau of Purchases

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

5 MRSA §1811, sub-§5, as amended by PL 1985, c. 785, Pt. A, §71, is further amended to read:

5. Storerooms. To establish and operate, with the approval of the Commissioner of Administration, ~~such~~ ~~store-~~rooms which, in the judgment of the State Purchasing Agent, are ~~deemed~~ ~~determined~~ necessary for the storage and distribution of supplies, materials and equipment required for use by the State Government or any department or agency thereof, or any political subdivision or school administrative unit;

See title page for effective date.

CHAPTER 130

H.P. 158 - L.D. 243

An Act Regarding the Operation of the Superior Court

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

Whereas, there is a need for the qualifications of chairs of prelitigation screening panels to be broadened under limited circumstances; and

Whereas, a question has arisen regarding the involuntary dismissal of cases pending before prelitigation panels created by Public Law 1985, chapter 804; 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. 24 MRSA §2852, sub-§1, as enacted by PL 1985, c. 804, §§12 and 22, is amended to read:

1. Creation of panel lists. The Chief Justice of the Superior Court shall recommend to ~~the~~ ~~each~~ clerk of ~~each~~ ~~judicial region~~ of the Superior Court the names of retired justices and judges ~~and~~ , persons with judicial experience ~~who~~