

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

18. Third-party administrators. Third-party administrators license- fees are:

- A. Application fee \$45 \$50; and
 B. Annual fee \$50 \$100.

19. Purchasing group registrations. Purchasing group registration fees are:

- A. Registration fee \$50; and
 B. Annual fee \$100.

20. Preferred provider organization. Preferred provider organization fees are:

- A. Application fee \$50; and
 B. Annual fee \$100.

Sec. 6. 39 MRSA §29, sub-§§4 to 7, as enacted by PL 1985, c. 446, §5, are amended to read:

4. Notification of assessment. On or before ~~April 1st~~ July 1st, next following receipt of the report from the Maine Self-Insurance Guarantee Association, the Superintendent of Insurance shall notify each self-insurer of the assessment due.

5. Time of payment. Payment ~~shall~~ must be made on or before ~~June 1st~~ August 10th.

6. Revocation or termination. If the assessment is not paid on or before ~~June 1st~~ the prescribed date, the right of any individual or group to continue the option of self-insurance may be revoked or terminated by the Superintendent of Insurance.

7. Recalculation of assessment. Immediately following the close of the fiscal year ending June 30, 1987, and at the close of each 2nd succeeding fiscal year ~~thereafter~~, the Superintendent of Insurance shall recalculate the assessment upon each self-insurer subject to this section. If, in any instance, any assessment paid under this section is based in whole or in part upon annual standard premium estimated in the calendar year utilized for assessment purposes, the recalculation ~~shall~~ must recognize actual audited annual standard premium, as available, for each affected self-insurer. Actual expenditures of the Bureau of Insurance during the preceding fiscal year ~~shall~~ must also be recognized. On or before October 1st, the Superintendent of Insurance shall render to each self-insurer a statement showing the difference between ~~their~~ the self-insurer's respective recalculated assessment and the amount ~~they~~ paid during the preceding ~~fiscal year~~ biennium. Any overpayment of annual assessment resulting from complying with the requirements of this section ~~shall~~ must be refunded or, at the option of the assessed party, applied as a credit against

the assessment for the succeeding fiscal year. Any overpayment of \$100 or less ~~shall~~ must be applied as a credit against the assessment for the succeeding fiscal year.

See title page for effective date.

CHAPTER 335

H.P. 934 - L.D. 1354

An Act Relating to Personal Automobile Insurance

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

24-A MRSA c. 39, sub-c. III is enacted to read:

SUBCHAPTER III

PERSONAL AUTOMOBILE INSURANCE AND RENTAL VEHICLE COVERAGE

§2927. Personal automobile insurance; rental vehicle coverage

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

A. "Authorized driver" means:

(1) The renter;

(2) The renter's spouse, if that person is a licensed driver meeting the rental company's minimum age requirement;

(3) The renter's employer or coworker, if that person is engaged in business activity with the renter and is a licensed driver meeting the rental company's minimum age requirement;

(4) A person who operates the vehicle during an emergency or while parking the vehicle in the course of that person's employment at a commercial establishment; or

(5) A person listed by the rental company on the rental agreement as an authorized driver.

B. "Covered rental agreement" means a written agreement with a term of 45 continuous days or fewer setting forth the terms and conditions governing the use of a covered rental vehicle provided by a rental company.

C. "Covered rental vehicle" means a private passenger motor vehicle rented pursuant to a covered rental agreement, regardless of where that rental vehicle is registered, rented or operated.

D. "Private passenger motor vehicle" means a motor vehicle of the private passenger, sedan, station wagon or private passenger minivan type.

E. "Rental company" means any person or organization, including franchisees, in the business of providing private passenger motor vehicles to the public.

2. Rental vehicle coverage required. A personal automobile insurance policy that provides liability and collision, liability and comprehensive or liability, comprehensive and collision coverage must provide coverage for the obligation of the insured for actual damage to a covered rental vehicle, including charges for verifiable and actual loss of use not to exceed 30 days, rented by an insured in the United States, its territories or possessions, or Canada under a covered rental agreement. The deductible applicable to the covered rental vehicle may not exceed the highest of the deductibles for the collision coverage in the event of a collision loss or for the comprehensive coverage in the event of a comprehensive loss, applicable to the insured vehicle.

3. Notice to insureds. Every policy to which this section applies, either upon policy issuance or upon the first renewal after January 1, 1992, must be accompanied or supplemented by a notice, in a form prescribed or approved by the superintendent, advising the insured of the rental vehicle coverage provided pursuant to this section.

4. Application. This subchapter applies to all personal automobile policies issued for delivery in this State or renewed on or after January 1, 1992.

See title page for effective date.

CHAPTER 336

H.P. 1177 - L.D. 1718

An Act to Provide for Administrative Correction of Certain Errors and Inconsistencies in the Maine Revised Statutes and to Establish the Commission to Study Resolution of Conflicting Enactments

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

Whereas, this Act provides a mechanism for remedying certain statutory errors during the annual update of the statutory data base; and

Whereas, the annual update will be well under way before the expiration of the 90-day period; 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 legisla-

tion 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:

1 MRSA c. 4 is enacted to read:

CHAPTER 4

STATUTORY MAINTENANCE

§91. Definitions

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

1. Conflicting enactments. "Conflicting enactments" means multiple enactments, amendments, repeals, reallocations or reenactments, or any combination of these actions, that affect the same statutory unit and that have been adopted by Acts of the Legislature that do not refer to each other.

2. Executive director. "Executive director" means the Executive Director of the Legislative Council appointed under Title 3, section 162.

3. Revisor. "Revisor" means the Revisor of Statutes, or the person under Title 3, section 162 who is responsible for the form and format of legislative instruments.

4. Revisor's change. "Revisor's change" means a change made in the course of update under the authority of section 93.

5. Revisor's report. "Revisor's report" means the post-update report made by the revisor pursuant to section 95. This report may be cited as Revisor's Report 19XX, c. X, §X or RR 19XX, c. X, §X.

6. Revision clause. "Revision clause" means a section of a law that is not allocated to the Maine Revised Statutes and that changes a term throughout the laws and instructs the revisor to implement the revision as part of update.

7. Statutory unit. "Statutory unit" means a title, chapter or section or a part of a title, chapter or section of the laws of Maine.

8. Update. "Update" means the process by which enactments, amendments, repeals, reallocations or reenactments from a legislative session or sessions are integrated into the statutory data base of the Maine Revised Statutes.

§92. Statutory data base; update

The executive director shall ensure that the legislative staff maintains a statutory data base that contains the