

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

grant a one-year deferment for each successful request for deferment. A recipient may receive no more than 5 one-year deferments. The decision of the chief executive officer is final.

Sec. 3. 20-A MRSA §12508, sub-§3 is enacted to read:

3. Deferment. A recipient of a loan may seek a deferment of the annual payments for a period or periods as established by the chief executive officer who shall make a determination on a case-by-case basis. The chief executive officer may grant a deferment in the event that a recipient of a loan evidences intent to teach and inability to secure employment necessary to obtain forgiveness of the loan at the time the deferment is sought. The chief executive officer shall require certification of such intent annually and shall grant a one-year deferment for each successful request for deferment. A recipient may receive no more than 5 one-year deferments. The decision of the chief executive officer is final.

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

Effective March 13, 1992.

CHAPTER 665

H.P. 1509 - L.D. 2121

An Act Regarding the Parking Violations that Occur on State Controlled Property within the Capitol Area

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

Sec. 1. 25 MRSA §2906, 2nd ¶, as enacted by PL 1977, c. 138, §3, is amended to read:

The Commissioner of Public Safety may by rule establish a method by which persons charged with the violation of parking regulations may waive all court action by payment of specified fees within specified periods of time. ~~Said~~ These regulations may provide that a vehicle unlawfully parked ~~shall be~~ is prima facie evidence of the unlawful parking of ~~such the~~ such the vehicle by the person in whose name ~~such the~~ such the vehicle is registered. The specified fee for any violation must be at least \$10.

Sec. 2. 25 MRSA §2906, 3rd ¶, as enacted by PL 1991, c. 591, Pt. W, §1, is repealed.

Sec. 3. 25 MRSA §2910, as repealed and replaced by PL 1987, c. 416, §5, is amended to read:

§2910. Fine

Any person found guilty of violating any rule made pursuant to sections 2904 to 2907 shall, upon conviction, pay a fine of not less than ~~\$10~~ \$50 for each offense.

See title page for effective date.

CHAPTER 666

H.P. 1423 - L.D. 2035

An Act to Encourage Lawful Rental Practices

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

14 MRSA §6014, sub-§2, as enacted by PL 198 c. 428, §8, is amended to read:

2. Remedies. Upon a finding that an illegal eviction has occurred, the court shall ~~take~~ find one or both of the following actions.

A. The tenant ~~shall~~ is entitled to recover actual damages or ~~\$100~~ \$250, whichever is greater.

B. The tenant ~~shall~~ is entitled to recover the aggregate amount of costs and expenses determined by the court to have been reasonably incurred on ~~his the tenant's~~ the tenant's behalf in connection with the prosecution or defense of such action, together with a reasonable amount for attorneys' fees.

See title page for effective date.

CHAPTER 667

H.P. 1534 - L.D. 2167

An Act Concerning the Operation of the Maine Automobile Insurance Plan

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

Sec. 1. 24-A MRSA §2325, sub-§2, as amended by PL 1989, c. 797, §29 and affected by §§37 and 38, is further amended to read:

2. Every insurer undertaking to transact in this State the business of automobile and motor vehicle bodily injury, property damage liability, physical damage; and medical payments insurance and every advisory organization ~~which that~~ that files rates for ~~such that~~ such insurance shall cooperate in the preparation and submission of a plan for the equitable apportionment among insurers of applicants for insurance who are in good faith entitled to, but who are unable to procure through ordinary meth-

ods, such insurance. Administration of the plan is the responsibility of the plan member insurers subject to regulatory oversight by the bureau. The plan shall must provide:

A. Reasonable rules governing the equitable distribution of risks by direct insurance, reinsurance or otherwise and their assignment to insurers;

B. Rates and rate modifications applicable to such risks, which ~~shall~~ may not be excessive, inadequate or unfairly discriminatory;

C. The limits of liability ~~which that~~ the insurer shall be is required to assume, except that the maximum amount of physical damage coverage for commercial type vehicles ~~shall~~ must be determined by the superintendent based on the current cost of new vehicles but not to exceed a maximum amount of \$100,000; and

D. A method whereby applicants for insurance, insureds and insurers may have a hearing on grievances and the right of appeal to the superintendent.

Sec. 2. 24-A MRSA §2325, sub-§3, as amended by PL 1989, c. 797, §30 and affected by §§37 and 38, is further amended to read:

3. The plan referred to in subsection 2 ~~shall must~~ be filed in writing with the superintendent. The superintendent shall review the plan as soon as reasonably possible after filing in order to determine whether it meets the requirements set forth in subsection 2, paragraphs A, B, C and D. The plan, unless sooner approved in writing, ~~shall must~~ be on file for a waiting period of 30 days before it becomes effective. The plan ~~shall be~~ is deemed approved unless disapproved by the superintendent within the waiting period.

Subsequent to the waiting period, the superintendent may disapprove the plan on the grounds that it does not meet the requirements set forth in subsection 2, paragraphs A, B, C and D, but only after a hearing held upon not less than 10 days' written notice to every insurer and advisory organization affected, specifying the matters to be considered at ~~such~~ the hearing, and only by an order specifying in what respect the superintendent finds that the plan fails to meet ~~such~~ the requirements, and stating when within a reasonable period thereafter the plan ~~shall be~~ is deemed no longer effective. ~~Such That~~ That order ~~shall~~ does not affect any assignment made or policy issued or made prior to the expiration of the period set forth in the order. Amendments to the plan ~~shall must~~ be prepared, filed and reviewed in the same manner as ~~herein~~ provided in this subsection with respect to the original plan.

The superintendent may, as necessary and in accordance with the Maine Administrative Procedure Act, initiate rulemaking with respect to the plan.

Sec. 3. 24-A MRSA §2325, sub-§§6 and 7 are enacted to read:

6. The maximum limits of liability insurance offered by the Maine Automobile Insurance Plan for a personal automobile policy may not be less than \$250,000 per person for bodily injury liability, \$500,000 per occurrence for bodily injury liability and \$100,000 for property damage liability. A combined single limit of \$500,000 may be offered as an alternative to the mandatory split limits for bodily injury liability and property damage liability.

7. When a notice of cancellation for nonpayment of premium is issued by the Maine Automobile Insurance Plan or by an insurer to which the insured has been assigned by the plan, any premium paid by the insured but unearned within the policy term must be returned to the insured within 10 working days from the effective date of cancellation.

See title page for effective date.

CHAPTER 668

H.P. 1484 - L.D. 2096

An Act to Amend the Group Health Insurance Conversion Laws

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

Sec. 1. 24 MRSA §2330, sub-§§4 and 6, as enacted by PL 1981, c. 606, §1, are amended to read:

4. **Premium.** The premium on the converted contract ~~shall must~~ be determined in accordance with premium rates applicable to individually underwritten standard risks for the age and class of risk of each person to be covered and the type and amount of coverage provided. Experience under converted contracts ~~shall is~~ not ~~be~~ an acceptable basis for establishing rates for converted contracts, except to the extent permitted by ~~regulations promulgated~~ rules adopted by the superintendent.

The superintendent may establish maximum rates by rule for standard benefit options.

Maximum rates do not apply if all of the following conditions are met:

A. Conversion is provided through a form that is also issued to individually underwritten standard risks;