

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

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

Sec. 1. 30-A MRSA §2, sub-§1-B, ¶B, as repealed and replaced by PL 1999, c. 377, §1 and affected by §2, is repealed and the following enacted in its place:

2000

B. Kennebec County:

- (1) Commissioners
 - (a) Chair \$8,283
 - (b) Members 7,735
- (2) Treasurer 9,923
- (3) Sheriff 43,450
- (4) Judge of Probate 22,190
- (5) Register of Probate 27,507
- (6) Register of Deeds 29,342

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 2000.

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

Effective April 10, 2000.

CHAPTER 663

S.P. 723 - L.D. 2043

An Act to Clarify Underinsured Motor Vehicle Coverage

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

Whereas, this Act amends Public Law 1999, chapter 271, which becomes effective July 1, 2000, by delaying the effective date of chapter 271 until October 1, 2000; and

Whereas, in order for this Act to become effective before July 1, 2000 it must be enacted as an emergency; 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 preserva-

tion 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-A MRSA §2902, sub-§2, as amended by PL 1999, c. 271, §1 and affected by §3, is further amended to read:

2. The With respect to motor vehicle insurance policies subject to the Maine Automobile Insurance Cancellation Control Act and policies in the assigned risk plan established pursuant to section 2325 securing private passenger auto insurance coverage, the amount of coverage to be so provided may not be less than the amount of coverage for liability for bodily injury or death in the policy offered or sold to a purchaser unless the purchaser expressly rejects such an amount, but in any event may not be less than the minimum limits for bodily injury liability insurance provided for under Title 29-A, section 1605, subsection 1.

A rejection of equal coverage by the purchaser under this subsection must be in writing on a form provided by the insurer. The rejection must be signed by the purchaser, dated and include the following language: "I understand that Maine law requires uninsured motor vehicle coverage limits to equal the limits I have selected for liability coverage for bodily injury or death in this policy unless I expressly reject such an amount of coverage. Pursuant to the Maine Revised Statutes, Title 24-A, section 2902, subsection 2, I have elected to purchase uninsured motor vehicle coverage with lesser limits."

For coverage purchased on or after October 1, 2000, the form must be provided to the purchaser prior to the effective date of coverage. For renewal policies in force as of September 30, 2000, the form must be provided upon the first offer of renewal to each purchaser who has current coverage limits less than those required under this subsection. To be effective, a form must be signed by any one named insured under the policy. If a signed form rejecting higher coverage is not received by the insurer prior to the effective date of the policy to which it applies, then the higher coverage must be provided consistent with this subsection from the policy issuance date for coverage purchased on or after October 1, 2000 and from the effective date of the first renewal on or after October 1, 2000 for policies in force as of September 30, 2000.

This subsection may not be construed to prohibit an insured from prospectively changing coverage to alternative limits of uninsured motor vehicle coverage so long as a signed form, if necessary, is submitted to the insurer prior to the effective date of the change. If an insured has maintained the same uninsured vehicle coverage limits for 2 consecutive years with the same

insurer, then the insured will be conclusively presumed to have accepted that amount of uninsured coverage in all future policies, until such time as the insured notifies the insurer in writing of an election to change the amount of uninsured coverage.

Reinstatement or renewal of coverage by the insured with the same insurer within 30 days of expiration of a policy must be considered, for purposes of this section, as continuous coverage and does not require a new rejection to be executed by the insured.

With respect to motor vehicle insurance policies not subject to the Maine Automobile Insurance Cancellation Control Act, the amount of coverage so provided may not be less than the minimum limits for bodily injury liability insurance provided for under Title 29-A, section 1605, subsection 1.

Sec. 2. 24-A MRSA §2902, sub-§6 is enacted to read:

6. When 2 or more persons are legally entitled to recover damages from a particular owner or operator of an underinsured motor vehicle, the amount of underinsured vehicle coverage applicable to each injured person is determined by subtracting any payments actually made to the injured person from any bodily injury liability insurance coverage applicable to the particular owner or operator of the underinsured motor vehicle from the injured person's, operator's or owner's underinsured vehicle coverage policy limits if applicable to that person. The amount of underinsured motor vehicle coverage must be further reduced by the amount by which the bodily injury liability insurance coverage applicable to the particular owner or operator of the underinsured motor vehicle exceeds all payments from that coverage to all persons legally entitled to recover damages from that particular owner or operator of the underinsured motor vehicle. This subsection does not prohibit an insurer from providing greater amounts of underinsured vehicle coverage than are required under this section.

Sec. 3. PL 1999, c. 271, §3, as enacted by PL 1999, c. 531, Pt. K, §1, is amended to read:

Sec. 3. Application. That section of this Act that amends the Maine Revised Statutes, Title 24-A, section 2902, subsection 2 applies to all motor vehicle liability insurance policies of personal automobile insurance issued or renewed in this State on or after July October 1, 2000.

Sec. 4. Application. This Act applies to all motor vehicle liability insurance policies issued or renewed in this State on or after October 1, 2000.

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

Effective April 11, 2000.

CHAPTER 664

H.P. 1496 - L.D. 2140

An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service

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

Sec. 1. 35-A MRSA §4706-A is enacted to read:

§4706-A. Special rate arrangements for eligible low-income customers

The commission may approve rates or bill payment assistance programs for residential customers who have been certified as eligible for state or federal fuel assistance that take into account the difficulty these customers have paying in full for natural gas service or that target assistance to these customers in the most efficient manner. Any such rates or bill payment assistance programs that have been approved by the commission are determined to be just and reasonable.

See title page for effective date.

CHAPTER 665

H.P. 1620 - L.D. 2267

An Act to Amend the Definition of Marital Property

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

Sec. 1. 19-A MRSA §953, sub-§2, ¶E, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

E. The increase in value of property acquired prior to the marriage and the increase in value of a spouse's nonmarital property as defined in paragraphs A to D.

(1) "Increase in value" includes:

(a) Appreciation resulting from market forces; and