

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

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

(b) Appreciation resulting from reinvested income and capital gain unless either or both spouses had a substantial active role during the marriage in managing, preserving or improving the property.

(2) "Increase in value" does not include:

(a) Appreciation resulting from the investment of marital funds or property in the nonmarital property;

(b) Appreciation resulting from marital labor; and

(c) Appreciation resulting from reinvested income and capital gain if either or both spouses had a substantial active role during the marriage in managing, preserving or improving the property.

See title page for effective date.

CHAPTER 666

H.P. 1787 - L.D. 2507

An Act to Establish a Commemorative Day Recognizing Major-General Henry Knox

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

Whereas, July 25, 2000 is the 250th anniversary of the birth of Major-General Henry Knox, of Thomaston, Revolutionary War hero and Secretary of War under President George Washington; and

Whereas, in order to expedite timely commemoration ceremonies and events and to have this legislation in time for the actual date of the anniversary; 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 §138 is enacted to read:

§138. Major-General Henry Knox Day

July 25th of each year is designated as Major-General Henry Knox Day, and the Governor shall annually issue a proclamation inviting and urging the people of the State to observe this day in suitable places and with appropriate ceremony and activity. The Department of Education shall make appropriate information available to the people and the schools, within its budget, to honor Major-General Henry Knox, of Thomaston, Revolutionary War general and hero and Secretary of War under President George Washington.

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

Effective April 11, 2000.

CHAPTER 667

H.P. 1845 - L.D. 2582

An Act to Correct the Inadvertent Repeal of the Abandoned Property Disposition Process for Municipalities

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

Whereas, municipalities currently holding abandoned property have no process by which to return the property or otherwise dispose of it; 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. 30-A MRSA §3106 is enacted to read:

§3106. Disposition of abandoned property

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

A. "Covered property" means all tangible property, other than tangible property described in Title 33, section 1954, located in or on real estate acquired by a political subdivision through tax delinquency proceedings pursuant to Title 36 or through any similar procedure created by statute for the collection of unpaid taxes, assessments,