

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

the State is an adverse party or has any interest adverse to the person or persons in whose behalf ~~he~~ that judge acts.

Sec. 4. 5 MRSA §18055, sub-§1, ¶C, as corrected by RR 1999, c. 2, §4 and affected by §5, is amended to read:

C. Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court and the Administrative Court; and

Sec. 5. 5 MRSA §18061, sub-§2, ¶B, as amended by PL 1993, c. 386, §4 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

B. The reduction set out in paragraph A, subparagraph (1) does not apply to any Justice of the Supreme Judicial Court or Superior Court, to any Judge of the District Court or ~~District Administrative~~ Administrative Court, nor to any retired justice or judge who was insured and who was living on September 14, 1979.

(1) The initial amount of basic life insurance that continued into retirement for any justice or judge must be continued in force at no cost to the justice or judge until the justice or judge reaches 70 years of age.

(2) When a justice or judge reaches 70 years of age, the amount of insurance in force must be reduced to 25% of the initial amount of basic life insurance that continued into retirement. This reduction becomes effective at 12:01 a.m. of the day following the date on which the justice or judge reaches 70 years of age.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect March 15, 2001.

Effective March 15, 2001.

CHAPTER 13

S.P. 22 - L.D. 38

An Act to Increase the Fine for Allowing a Dog to Roam at Large

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

Sec. 1. 7 MRSA §3915, as amended by PL 1997, c. 690, §12, is further amended to read:

§3915. Violation

Any person who violates this chapter commits a civil violation for which a forfeiture of not less than \$50 nor more than \$250 may be adjudged for a first violation and not less than \$100 nor more than \$500 for 2 or more violations.

See title page for effective date.

CHAPTER 14

H.P. 165 - L.D. 176

An Act Providing for the Revocation of a Driver's License upon Conviction for Certain Crimes

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

Sec. 1. 29-A MRSA §2463 is enacted to read:

§2463. Revocations upon conviction of certain crimes under Maine Criminal Code

1. Recording; notice by the Secretary of State.

On receipt of an attested copy of the court record of any person who, as a result of the operation of a motor vehicle in such a manner as to cause serious bodily injury or bodily injury to any person or create a substantial risk of serious bodily injury or place another person in fear of imminent bodily injury, has been convicted of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat, or who has been adjudicated to have committed the juvenile offenses of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat, the Secretary of State shall immediately revoke the person's license without further hearing for an indefinite period of time.

2. Appeal. Unless the court orders otherwise, a person's license that is revoked pursuant to this section remains revoked during the course of any appeal.

3. Pleas. For the purposes of this section, a person is deemed to have been convicted of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat if the person pleaded guilty or nolo contendere or was otherwise adjudged or found guilty by a court of competent jurisdiction. In the case of a juvenile offender, the juvenile is deemed to have been adjudicated of having committed a juvenile offense of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat if the juvenile admits to the juvenile offense or was otherwise adjudged or found to have committed the juvenile offense by a court of competent jurisdiction.

4. Notification. The court shall send an attested copy of the record of any person convicted of a crime enumerated in this section to the Secretary of State.

5. Petition for relicensure. A person whose license is revoked pursuant to this section may petition the Secretary of State for relicensure:

A. Three years after that person has been finally discharged from any unsuspended initial period of incarceration as a result of the person's conviction or adjudication for a Class A, B or C crime or juvenile offense;

B. Two years after that person has been finally discharged from any unsuspended initial period of incarceration as a result of that person's conviction or adjudication for a Class D crime or juvenile offense; or

C. One year after that person has been finally discharged from any unsuspended initial period of incarceration as a result of that person's conviction or adjudication for a Class E crime or juvenile offense.

See title page for effective date.

CHAPTER 15

H.P. 128 - L.D. 139

An Act to Amend the Animal Trespass Laws

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

Sec. 1. 7 MRSA §4041, sub-§6 is enacted to read:

6. Definition. For purposes of this section, the term "animal" does not include cats.

See title page for effective date.

CHAPTER 16

S.P. 49 - L.D. 217

An Act to Clarify Insurance Coverage for Victims of Domestic Violence

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

Sec. 1. 24-A MRSA §2159-B, as corrected by RR 1997, c. 2, §50, is repealed and the following enacted in its place:

§2159-B. Discrimination against victims of domestic abuse prohibited

1. Discrimination prohibited. An insurer, non-profit hospital and medical service organization or health maintenance organization that issues life, health or disability coverage may not deny, cancel, refuse to renew or restrict coverage of any person or require the payment of additional charges based on the fact or perception that the person is, or may become, the victim of domestic abuse, under Title 19-A, section 4002. This subsection does not prohibit applying an underwriting or rating criterion to a victim of domestic abuse based on physical or mental history or other factors of general applicability regardless of the underlying cause and in accordance with the requirements of section 2159, subsections 1 and 2. An insurer, nonprofit hospital and medical service organization or health maintenance organization may not be held criminally or civilly liable for any cause of action that may result from compliance with this subsection. This subsection does not prohibit an insurer, nonprofit hospital and medical service organization or health maintenance organization from declining to issue coverage to an applicant known to be, or to have been, an abuser of the proposed insured.

2. Justification of adverse insurance decisions. An insurer, nonprofit hospital and medical service organization or health maintenance organization that issues life, health or disability coverage that takes an action that adversely affects an applicant or insured on the basis of a medical condition that the insurer, nonprofit hospital and medical service organization or health maintenance organization knows or has reason to know is related to domestic abuse shall explain the reasons for its action to the applicant or insured in writing and shall demonstrate that its action, and any applicable policy provision:

A. Does not have the purpose or effect of treating abuse status as a medical condition or underwriting or rating criterion;

B. Is not based upon any actual or perceived correlation between a medical condition and domestic abuse;

C. Is otherwise permissible by law and applies in the same manner and to the same extent to all applicants and insureds with a similar medical condition or disability without regard to whether the medical condition or disability is related to domestic abuse; and

D. Except for claims actions, is based on a determination made in conformance with sound actuarial principles and otherwise supported by actual or reasonably anticipated experience that there is a correlation between the medical condi-