

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

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.

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**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.

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**Sec. 1.** 24-A MRSA §2159-B, as corrected by RR 1997, c. 2, §50, is repealed and the following enacted in its place: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

tion or disability and a material increase in insurance risk.

See title page for effective date.

## CHAPTER 17

H.P. 438 - L.D. 559

### An Act to Provide Uniformity and Consistency in the Appeals from the Trial Courts to the Law Court

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

**Sec. 1. 14 MRSA §52, first ¶**, as enacted by PL 1987, c. 646, §1, is amended to read:

No dollar amount or figure may be included in the demand in any civil case ~~filed in Superior Court~~, but the prayer ~~shall~~ must be for such damages as are reasonable in the premises. This section ~~shall~~ does not apply to a demand for liquidated damages.

**Sec. 2. 14 MRSA §1851, first ¶** is amended to read:

For all purposes for which an exception has heretofore been necessary in civil cases, it is sufficient that a party, at the time the order or ruling of the court is made or sought, makes known to the court the action ~~which he~~ that the party desires the court to take or ~~his the party's~~ objection to the action of the court and ~~his the grounds therefor for the objection~~. If a party has no opportunity to object to a ruling or order, the absence of an objection does not thereafter prejudice ~~him~~ that party. In any civil case any party aggrieved by any judgment, ruling or order may appeal therefrom to the law court ~~within 30 days or such further time as may be granted by the court pursuant to a rule of court~~. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

**Sec. 3. 14 MRSA §1901, sub-§1**, as amended by PL 1999, c. 731, Pt. ZZZ, §7 and affected by §42, is further amended to read:

**1. Appeals from District Court.** Except as provided in subsection 3 or by court rule, an appeal may be taken from the District Court to the Supreme Judicial Court sitting as the Law Court ~~within 30 days after judgment~~. Within those 30 days, the appellant must pay to the court the required fees for the appeal and in that case no execution issues and the clerk may enter the appeal in the Law Court as a new entry. The time for taking the appeal and the manner and any

conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

**Sec. 4. 15 MRSA §2115-A, sub-§4**, as amended by PL 1995, c. 47, §2, is further amended to read:

**4. Time.** ~~An~~ The time for taking and the manner and any conditions for the taking of an appeal taken pursuant to subsection 1, 2, 2-A or 2-B must be taken within 20 days after the entry of the order or such further time as may be granted by the court pursuant to a rule of court are as the Supreme Judicial Court provides by rule, and an appeal taken pursuant to subsection 1 must also be taken before the defendant has been placed in jeopardy. An appeal taken pursuant to this subsection must be diligently prosecuted.

**Sec. 5. 30-A MRSA §6111, sub-§5**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**5. Appeal to Law Court.** Any party aggrieved by the finding of the Superior Court may appeal ~~within 30 days~~ to the Supreme Judicial Court. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule. The judgment of the Superior Court is binding upon all parties unless appealed under this subsection.

See title page for effective date.

## CHAPTER 18

H.P. 65 - L.D. 74

### An Act to List the Manufacturer's Suggested Retail Price on the Certificate of Title

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

**Sec. 1. 29-A MRSA §654, sub-§1, ¶B-1** is enacted to read:

B-1. Beginning January 1, 2002, the manufacturer's suggested retail price pursuant to Title 36, section 1482, subsection 4, paragraph A minus the destination charge must be included on the certificate of title application for a new vehicle. For a used vehicle sold in this State after January 1, 2002 or sold in another state or country, the manufacturer's suggested retail price must be included on the certificate of title application if it appears on the original certificate of title.