

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

3. Loss claims. All claims under policies for losses incurred, including third party claims, and all claims against the insurer for liability for bodily injury or for injury to or destruction of tangible property which that are not under policies, except the first \$200 of losses otherwise payable to any claimant under this subsection. All claims under life insurance policies and annuity contracts, whether for death proceeds, annuity proceeds or investment values, shall must be treated as loss claims. Claims shall may not be cumulated by assignment to avoid application of the \$200 deductible provision. That portion of any loss for which indemnification is provided by other benefits or advantages recovered or recoverable by the claimant shall may not be included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligations of support or by way of succession at death or as proceeds of life insurance, or as gratuities. No payment made by an employer to his an employee shall may be treated as a gratuity. Any provider or member claims for covered services under a health maintenance organization contract, including a point-of-service contract, not paid under subsection 1 are included in this class.

4. Unearned premiums and small loss claims. Claims under nonassessable policies for unearned premiums or other premium refunds and the first \$200 or loss excepted by the deductible provision in subsection 3, except that, if the receiver fails to prorate a premium due to the insurer based on a termination of coverage under this chapter, any resulting unearned premium must be paid to the insured under subsection 1 as an expense of the administration.

See title page for effective date.

CHAPTER 89

H.P. 873 - L.D. 1152

An Act to Amend the Standard Valuation Law for Life Insurance and to Restrict Limitation of Liability for Death by Suicide in Group Life Insurance Policies

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

Sec. 1. 24-A MRSA §952-A, sub-§4, ¶H, as enacted by PL 1993, c. 634, Pt. B, §1 and affected by §4, is repealed and the following enacted in its place:

H. Except as provided in paragraphs K, L and M, any memorandum in support of the opinion and any other documents, materials or other information provided by the insurer to the super-

intendent in connection with the memorandum must be kept confidential by the superintendent and are not public records within the meaning of the freedom of access laws and are not subject to subpoena or discovery, nor admissible in evidence in any private civil action. The superintendent is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the superintendent's official duties.

Sec. 2. 24-A MRSA §952-A, sub-§4, ¶¶I to M are enacted to read:

I. Neither the superintendent nor any person who received documents, materials or other information while acting under the authority of the superintendent is permitted or required to testify in any private civil action concerning any confidential documents, materials or information pursuant to paragraph H.

J. Disclosure to the superintendent under this section or as a result of sharing of documents, materials or other information pursuant to section 216 does not constitute a waiver of any applicable privileges or claim of confidentiality in the documents, materials or other information.

K. A memorandum in support of the opinion, and any other documents, materials or other information provided by the life insurer to the superintendent in connection with the memorandum, may be subject to subpoena for the purpose of defending an action seeking damages from the actuary submitting the memorandum by reason of an action pursuant to this section or by rule adopted pursuant to this section.

L. The memorandum or other documents, materials or other information may otherwise be released by the superintendent with the written consent of the life insurer or upon a written request by the American Academy of Actuaries stating that the memorandum or other documents, materials or other information is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the superintendent for preserving the confidentiality of the memorandum or other documents, materials or other information.

M. Once any portion of a memorandum is cited by the life insurer in its marketing or is cited by the life insurer before a governmental agency other than a state insurance agency or is released by the life insurer to the news media, all portions of the memorandum become public records.

Sec. 3. 24-A MRSA §2630 is enacted to read:

§2630. Suicide

A group life insurance policy delivered or issued for delivery in this State may not contain a more restrictive exclusion from liability for death resulting from suicide than death by suicide, while sane or insane, within 2 years from the date coverage commences or within 2 years of an increase in coverage.

See title page for effective date.

CHAPTER 90

S.P. 197 - L.D. 669

An Act to Clarify the Use of the Municipal Investment Trust Fund

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

Sec. 1. 30-A MRSA §4301, sub-§14-A is enacted to read:

14-A. Service center community. "Service center community" means a municipality or group of municipalities identified by the office according to a methodology established by rule that includes 4 basic criteria, including level of retail sales, jobs-to-workers ratio, the amount of federally assisted housing and the volume of service sector jobs. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 2. 30-A MRSA §4349-A, sub-§2, as enacted by PL 1999, c. 776, §10, is amended to read:

2. State facilities. The Department of Administrative and Financial Services, Bureau of General Services shall develop site selection criteria for state office buildings, state courts and other state civic buildings that serve public clients and customers, whether owned or leased by the State, that give preference to the priority locations identified in this subsection while ensuring safe, healthy, appropriate work space for employees and clients and accounting for agency requirements. Preference must be given to priority locations in the following order: service center downtowns, service center growth areas and downtowns and growth areas in other than service center communities. If no suitable priority location exists or if the priority location would impose an undue financial hardship on the occupant or is not within a reasonable distance of the clients and customers served, the facility must be located in accordance with subsection 1. The following state facilities are exempt from this subsection: a state liquor store; a lease of less than 500 square feet; and a

lease with a tenure of less than one year, including renewals.

~~For the purposes of this subsection, "service center" means a community that serves the surrounding region, drawing workers, shoppers and others into the community for jobs and services.~~

Sec. 3. 30-A MRSA §5903, sub-§8-A, as enacted by PL 1993, c. 721, Pt. D, §2 and affected by Pt. H, §1, is amended to read:

8-A. Public service infrastructure. "Public service infrastructure" means those facilities that are essential for public health, welfare and safety. Those facilities include, without limitation, sewage treatment facilities, municipal water supply and treatment facilities, solid waste facilities, ~~fire protection~~ public safety equipment and facilities, roads, traffic control devices and other transportation facilities, sidewalks, trees, buried utility lines and other streetscape improvements, parks and other open space or recreational areas, public access to coastal and inland waters, geographic information systems, and any other public facility that benefits the public.

Sec. 4. 30-A MRSA §5953-D, sub-§3, ¶D, as amended by PL 1999, c. 776, §13, is further amended to read:

D. In the case of a public service infrastructure grant or loan, the Department of Economic and Community Development affirms that the applicant has met the conditions of this paragraph.

(1) A municipality is eligible to receive a grant or a loan, or a combination of both, if that municipality has adopted a local growth management program certified under section 4348 that includes a capital improvement program composed of the following elements:

- (a) An assessment of all public facilities and services, such as, but not limited to, roads and other transportation facilities, sewers, schools, parks and open space, fire and police;
- (b) An annually reviewed 5-year plan for the replacement and expansion of existing public facilities or the construction of such new facilities as are required to meet expected growth and economic development. The plan must include projections of when and where those facilities will be required; and
- (c) An assessment of the anticipated costs for replacement, expansion or