

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Lewiston, Maine
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must be provided in sufficiently clear and specific language so that an individual can identify the basis for the insurer's decision to take an adverse action. The notice must include a description of up to 4 factors that were the primary influences of the adverse action. The use of a generalized term such as "poor credit history," "poor credit rating" or "poor insurance score" does not meet the explanation requirements of this paragraph. Standardized credit explanations provided by consumer reporting agencies or other 3rd-party vendors are deemed to comply with this paragraph.

5. Dispute resolution and error correction. If it is determined through the dispute resolution process set forth in Title 10, section 1317 or 15 United States Code, Section 1681i(a)(5) that the credit information of a current insured was incorrect or incomplete and if the insurer receives notice of such determination from either the consumer reporting agency or from the insured, the insurer shall reunderwrite and rerate the consumer within 30 days of receiving the notice. After reunderwriting or rerating the insured, the insurer shall make any adjustments necessary, consistent with its underwriting and rating guidelines. If an insurer determines that the insured has overpaid premium, the insurer shall refund to the insured the amount of overpayment calculated back to the shorter of either the last 12 months of coverage or the actual policy period.

6. Filing of insurance scoring models. An insurer that uses insurance scores to underwrite and rate risks shall file the scoring model or other scoring processes used by the insurer with the superintendent. A 3rd party may file scoring models on behalf of insurers. A filing that includes insurance scoring must include loss experience justifying the use of credit information if required by the superintendent. The insurance scoring model contained in a filing required under this subsection is confidential and not a public record within the meaning of Title 1, section 402, subsection 3.

7. Indemnification. An insurer shall indemnify, defend and hold agents harmless from and against all liability, fees and costs arising out of or relating to the actions, errors or omissions of a producer who obtains or uses credit information or insurance scores for an insurer, provided the producer, in the exercise of reasonable care, follows the instructions of or procedures established by the insurer and complies with any applicable law or regulation. This subsection may not be construed to provide a consumer or other insured with a cause of action that does not otherwise exist in the absence of this subsection. This subsection may not be construed to indemnify a producer for the producer's omission when a producer elects not to obtain a credit-related insurance score in connection

with an application for personal insurance coverage from an insurer that the producer represents if that insurer uses credit information as permitted under this section to underwrite that coverage.

8. Applicability. This section applies only to personal insurance. This section does not apply to commercial insurance.

See title page for effective date.

CHAPTER 224

H.P. 459 - L.D. 629

An Act To Increase the Collection of Child Support

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

Sec. 1. 19-A MRSA §2154, sub-§4-A is enacted to read:

4-A. Independent contractors. The following entities shall report to the department the hiring of an independent contractor to perform work for the State under a contract or subcontract in the same manner, except for reporting the date of birth, as the hiring of an employee is reported under subsection 4:

A. The State, when acting in the capacity of a contracting agency;

B. A contractor who contracts with the State; and

C. A subcontractor of a contractor under paragraph B.

The contractor's or subcontractor's taxpayer identification number may be reported in the place of the contractor's or subcontractor's social security number.

See title page for effective date.

CHAPTER 225

H.P. 823 - L.D. 1120

An Act To Amend the Laws Governing Noncompete Clauses in Broadcast Industry Contracts

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

Sec. 1. 26 MRSA §599, sub-§1, as enacted by PL 1999, c. 406, §1, is amended to read:

1. Definition. As used in this section, unless the context otherwise indicates, "broadcasting industry contract" means an employment contract between a person and a legal entity that owns one or more television stations or networks or one or more radio stations or networks, ~~excluding an employment contract with a sales representative.~~

See title page for effective date.

CHAPTER 226

H.P. 951 - L.D. 1297

An Act To Amend the Subdivision Laws

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

Sec. 1. 38 MRSA §488, sub-§22 is enacted to read:

22. Unauthorized subdivision lots in existence for at least 20 years. A lot that when sold or leased created a subdivision requiring a permit under this article is not considered a subdivision lot and is exempt from the permit requirement for a subdivision if a permit has not been obtained and the subdivision has been in existence for 20 or more years. A lot is considered a subdivision lot and is not exempt under this subsection if:

A. Approval of the subdivision under this article was denied by the department and the department's decision was recorded in the appropriate registry of deeds;

B. The department has issued a notice of violation of this article with respect to the subdivision; or

C. The lot has been the subject of an enforcement action or order.

See title page for effective date.

CHAPTER 227

S.P. 162 - L.D. 443

An Act To List Agriculture as a Designated Use in Water Quality Standards

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

Sec. 1. 38 MRSA §465, sub-§1, ¶A, as enacted by PL 1985, c. 698, §15, is amended to read:

A. Class AA waters ~~shall~~ must be of such quality that they are suitable for the designated uses of drinking water after disinfection, fishing, agriculture, recreation in and on the water ~~and~~, navigation and as habitat for fish and other aquatic life. The habitat ~~shall~~ must be characterized as ~~free flowing~~ free-flowing and natural.

Sec. 2. 38 MRSA §465, sub-§2, ¶A, as enacted by PL 1985, c. 698, §15, is amended to read:

A. Class A waters ~~shall~~ must be of such quality that they are suitable for the designated uses of drinking water after disinfection; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; ~~and~~ navigation; and as habitat for fish and other aquatic life. The habitat ~~shall~~ must be characterized as natural.

Sec. 3. 38 MRSA §465, sub-§3, ¶A, as enacted by PL 1985, c. 698, §15, is amended to read:

A. Class B waters ~~shall~~ must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; ~~and~~ navigation; and as habitat for fish and other aquatic life. The habitat ~~shall~~ must be characterized as unimpaired.

Sec. 4. 38 MRSA §465, sub-§4, ¶A, as enacted by PL 1985, c. 698, §15, is amended to read:

A. Class C waters ~~shall~~ must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; ~~and~~ navigation; and as a habitat for fish and other aquatic life.

Sec. 5. 38 MRSA §465-A, sub-§1, ¶A, as enacted by PL 1985, c. 698, §15, is amended to read:

A. Class GPA waters ~~shall~~ must be of such quality that they are suitable for the designated uses of drinking water after disinfection, recreation in and on the water, fishing, agriculture, industrial process and cooling water supply, hydroelectric power generation ~~and~~, navigation