

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

§891. Dismissal on satisfaction of private injury; discharge of bail

When a person has been admitted to bail or juvenile conditions of release or is committed by a judge, or is indicted or held upon a complaint and warrant for an assault or other Class D or E crime, as defined by Title 17-A, section 4-A, or is the subject of a juvenile petition alleging commission of a crime that, if the juvenile charged were an adult, would be an assault or other Class D or E crime, as defined by Title 17-A, section 4-A, for which the party injured has a remedy by civil action, except aggravated assaults, assaults upon or resistance of a law enforcement officer as defined by Title 17-A in the execution of a law enforcement officer's duty, assaults of those officers, crimes involving family or household members as defined in Title 19-A, chapter 101 and molesting lobster gear pursuant to Title 12, chapter 619, if the injured party appears before the judge or court and in writing acknowledges satisfaction for the injury, the court, on payment of all costs, may stay further proceedings and discharge the defendant. The judge may exonerate the bail and release the obligors, supersede the commitment by written order and exonerate the bail of the witnesses.

This section applies to a juvenile only if the juvenile has not previously been adjudicated of a juvenile crime or has not previously been the subject of a juvenile petition that was disposed of by accord and satisfaction under this section.

See title page for effective date.

**CHAPTER 278
S.P. 396 - L.D. 1208**

An Act To Create Uniformity among Certain Self-insureds

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

Sec. 1. 24-A MRSA §6603, sub-§9 is enacted to read:

9. Access to health care services. In accordance with this subsection, an arrangement may offer a managed care plan on a pilot basis with approval of the superintendent that does not adhere to any geographic access requirements set forth in section 4303, subsection 1 or in rules adopted by the superintendent. An arrangement may not offer a managed care plan that includes terms and conditions that have a detrimental financial impact on a covered person or that requires a covered person to travel outside the United States for health care services. The superintendent shall report annually beginning January 15, 2009 to the joint standing committee of the Legislature having jurisdic-

tion over insurance and financial services matters on the status of any pilot program approved under this subsection. This subsection takes effect January 1, 2008 and is repealed January 1, 2011.

See title page for effective date.

**CHAPTER 279
H.P. 950 - L.D. 1341**

An Act To Clarify Restrictions on Accepting Campaign Contributions Laws

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

Sec. 1. 1 MRSA §1015, sub-§3, ¶A, as enacted by PL 1997, c. 529, §1, is amended to read:

A. As used in this subsection, the terms "employer," "lobbyist" and "lobbyist associate" have the same meanings as in Title 3, section 312-A ~~and the term~~. As used in this subsection, "contribution" has the same meaning as in Title 21-A, section 1012 and includes seed money contributions as defined in Title 21-A, section 1122, subsection 9.

Sec. 2. 1 MRSA §1015, sub-§3, ¶C, as amended by PL 1999, c. 648, §1, is further amended to read:

- C. This subsection does not apply to:
- (1) Solicitations or contributions for bona fide social events hosted for nonpartisan, charitable purposes;
 - (2) Solicitations or contributions relating to a special election to fill a vacancy from the time of announcement of the election until the election; and
 - ~~(3) Solicitations or contributions after the deadline for filing as a candidate as provided in Title 21-A, section 335; and~~
 - (4) Solicitations or contributions accepted by a member of the Legislature supporting that member's campaign for federal office.

See title page for effective date.

**CHAPTER 280
H.P. 655 - L.D. 866**

An Act To Amend the Wrongful Death Laws

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

Sec. 1. 18-A MRSA §2-804, sub-§(b), as amended by PL 1999, c. 772, §1, is further amended to read:

(b). Every such action must be brought by and in the name of the personal representative of the deceased person, and the amount recovered in every such action, except as otherwise provided, is for the exclusive benefit of the surviving spouse if no minor children, and of the children if no surviving spouse, and one-half for the exclusive benefit of the surviving spouse and one-half for the exclusive benefit of the minor children to be divided equally among them if there are both surviving spouse and minor children, and to the deceased's heirs to be distributed as provided in section 2-106 if there is neither surviving spouse nor minor children. The jury may give such damages as it determines a fair and just compensation with reference to the pecuniary injuries resulting from the death to the persons for whose benefit the action is brought and in addition shall give such damages as will compensate the estate of the deceased person for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses, and in addition may give damages not exceeding ~~\$400,000~~ \$500,000 for the loss of comfort, society and companionship of the deceased, including any damages for emotional distress arising from the same facts as those constituting the underlying claim, to the persons for whose benefit the action is brought, and in addition may give punitive damages not exceeding \$75,000, provided that the action is commenced within 2 years after the decedent's death. If a claim under this section is settled without an action having been commenced, the amount paid in settlement must be distributed as provided in this subsection. No settlement on behalf of minor children is valid unless approved by the court, as provided in Title 14, section 1605.

See title page for effective date.

CHAPTER 281

H.P. 890 - L.D. 1262

An Act Regarding Property and Casualty Insurance Actuarial Opinion of Reserves

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

Sec. 1. 24-A MRSA c. 11, sub-c. 2-A, as amended, is repealed.

Sec. 2. 24-A MRSA c. 11, sub-c. 5 is enacted to read:

SUBCHAPTER 5

PROPERTY AND CASUALTY ACTUARIAL OPINION

§991. Short title

This Act may be known and cited as "the Property and Casualty Actuarial Opinion Act."

§992. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Covered kinds of insurance. "Covered kinds of insurance" include:

A. Casualty insurance as defined in section 707; and

B. Property insurance as defined in section 705. Property insurance written by domestic mutual assessment insurers pursuant to chapter 51 is not subject to the requirements of this subchapter.

2. NAIC. "NAIC" means the National Association of Insurance Commissioners.

3. Qualified actuary. "Qualified actuary" means a person who is a member of the American Academy of Actuaries who has obtained a designation either as a fellow or an associate in the Casualty Actuarial Society and, if an associate, has at least 5 years' experience in actuarial practice obtained in the covered kinds of insurance.

§993. Actuarial opinion of reserves and supporting documentation

1. Statement of actuarial opinion. Every property and casualty insurance company doing business for covered kinds of insurance in this State, unless otherwise exempted by the domiciliary commissioner, shall annually submit the opinion of an appointed qualified actuary entitled "Statement of Actuarial Opinion." This opinion must be filed in accordance with the appropriate NAIC property and casualty annual statement instructions.

2. Actuarial opinion summary. An actuarial opinion summary is required pursuant to this subsection.

A. Every property and casualty insurance company domiciled in this State that is required to submit a statement of actuarial opinion shall annually submit an actuarial opinion summary, written by the company's appointed qualified actuary. This actuarial opinion summary must be filed in accordance with the appropriate NAIC property and casualty annual statement instructions and must be considered as a document supporting the actuarial opinion required in subsection 1.