

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
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Sec. 2. 24-A MRSA § 1806, as enacted by PL 1969, c. 132, § 1, is amended to read:

§ 1806. Combined licensing prohibited

A licensed general lines consultant shall not at the same time be licensed as an agent or broker and shall not have a pecuniary interest in any insurance agency or broker.

A licensed life consultant may at the same time be licensed as an agent or broker and may have a pecuniary interest in any insurance agency or broker.

Sec. 3. 24-A MRSA § 1807, sub-§§ 1 and 2, as enacted by PL 1969, c. 132, § 1, are amended to read:

1. A general lines consultant shall not, directly or indirectly, receive or share in any commission or compensation paid, directly or indirectly, by any insurer with respect to any insurance or annuity contract procured, renewed, continued, modified, terminated or otherwise disposed of pursuant to any recommendation given or transaction engaged in by the licensee under his license.

2. If the licensee has received or is to receive any fee, commission or compensation from the insured or proposed insured, or from any other person other than the insurer, directly or indirectly, with respect to any insurance transaction or proposed insurance transaction, or with respect to any insurance or annuity contract existing or proposed, it shall conclusively be presumed that the licensee was acting as a general lines consultant with respect to such transaction or contract; except as provided in section 1807-A.

Sec. 4. 24-A MRSA § 1807-A is enacted to read:

§ 1807-A. Consulting fee

A life consultant may charge a consulting fee and receive commissions for the sale of insurance as an agent or broker if both the consulting fee and the insurance commissions are provided for in a written agreement, in a form approved by the Superintendent of Insurance, signed by the client and the life consultant. A life consultant shall offset his fees against first-year commissions received as agent or broker on the sale of insurance. Such offset shall apply only to those commissions received as a result of services performed under the agreement.

Effective October 24, 1977

CHAPTER 352

AN ACT to Delete the Requirement that Appeals to Superior Court from a Municipal Board of Appeals must be Trial De Novo (Trial Anew).

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

30 MRSA § 2411, sub-§ 3, ¶ F, as amended by PL 1971, c. 622, § 104, is further amended to read:

F. An appeal may be taken, within 30 days after the decision is rendered, by any party to Superior Court from any order, relief or denial in accordance with the **Maine Rules of Civil Procedure**, Rule 80B. The hearing before the Superior Court shall be a ~~trial de novo~~ without a jury.

Effective October 24, 1977

CHAPTER 353

AN ACT to Amend the Septic Tank and Cesspool Waste Act.

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

Sec. 1. 30 MRSA § 4104, as amended by PL 1975, c. 126, is repealed.

Sec. 2. 30 MRSA § 4105, as enacted by PL 1973, c. 601, is repealed.

Sec. 3. 38 MRSA c. 13-A is enacted to read:

CHAPTER 13-A

SEPTIC TANK AND CESSPOOL WASTE

AND OTHER WASTE MATERIALS

§ 1320. Septic tank and cesspool waste and other waste materials

1. **Site required.** Each municipality shall provide for the disposal of all waste, refuse, effluent, sludge and any other materials from all septic tanks and cesspools located within the municipality. In addition, any person may provide a site for disposal of such waste or any other fluid hazardous waste. Before making application to the Department of Environmental Protection for approval of any site, such person shall first have a written approval for the site location from the municipality in which it is located. The municipality or the municipal officers authorized to act for the municipality, after hearing, shall approve any such private site if it finds that the site does not constitute a hazard to the health or safety of the residents of the municipality.

2. **Department of Environmental Protection approval.** The location, operation and maintenance of any facility or site used for the disposal of septic tank or cesspool waste or fluid hazardous waste shall be subject to the approval of the Department of Environmental Protection in order to insure