

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

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

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PUBLIC LAWS
OF THE
STATE OF MAINE
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spectators removed from the courtroom, by reasonably limiting the number of spectators or by exercising similar powers of judges at common law; or

B. To require that a proceeding to determine the validity of a claim of evidentiary privilege as provided by the Maine Rules of Evidence be open to the public.

Effective July 3, 1980

CHAPTER 666

S. P. 779 — L. D. 1970

AN ACT Providing for Administrative Modifications to Property Tax Laws Administered by the Bureau of Taxation.

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

Sec. 1. 10 MRSA c. 209, is repealed.

Sec. 2. 30 MRSA § 1201, as last amended by PL 1979, c. 541, Pt. B, §§ 39-40, is amended to read:

§ 1201. Fire Protection

The county commissioners of Aroostook County are authorized on behalf of the inhabitants of Connor and Silver Ridge Townships, of Township 8, R.4, Township 10, R.6, Township 14, R.6, Township 15, R.6, Township 16, R.4, Township 17, R.4 and Township 17, R.5, and the county commissioners of Franklin County are authorized, on behalf of Township 3, R.2, ~~BKPWKR (Jerusalem)~~, Township 4, R.2, ~~BKPWKR (Sugarloaf Township)~~ and the townships of Salem and Freeman, and the county commissioners of Hancock County are authorized, on behalf of the inhabitants of Township 8, S.D., and the unorganized coastal islands of that county, and the county commissioners of Knox County are authorized, on behalf of the inhabitants of the unorganized coastal islands of that county, and the county commissioners of Lincoln County are authorized, on behalf of the inhabitants of the unorganized coastal islands of that county, and the county commissioners of Oxford County are authorized on behalf of the inhabitants of Albany and Milton Townships, and the county commissioners of Penobscot County are authorized, on behalf of the inhabitants of Argyle and Kingman Townships and the county commissioners of Somerset County are authorized on behalf of the inhabitants of Rockwood Township, and the county commissioners of Waldo County are authorized on behalf of the inhabitants of the unorganized coastal islands of that county, and the county commissioners of Washington County are authorized on behalf of the inhabitants of the unorganized coastal islands of that county to enter into contracts on such terms as they deem fit with one or more persons,

associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fires protection, for the Townships of Connor, Silver Ridge, Township 8, R.4, Township 10, R.6, Township 14, R.6, Township 15, R.6, Township 16, R.4, Township 17, R. 4, Township 17, R.5, ~~Township 3, R.2 (Jerusalem), Township 4, R.2 (Sugarloaf Township)~~ 8, S. D., Salem, Freeman, Albany, Milton, Argyle, Kingman, Rockwood and the unorganized coastal islands of Hancock, Knox, Lincoln, Waldo and Washington Counties. ~~The county commissioners shall annually assess upon the townships an amount sufficient to provide for such protection, and said assessment shall be certified and transmitted by the county treasurers to the State Tax Assessor not later than April 1st of each year, provided said assessment in respect to Township 17, R.4 and Township 17, R.5 shall not exceed \$505 each in any one year. The State Tax Assessor shall determine the amount of tax due, in accordance with Title 36, section 1142, and shall include such amounts in the statements referred to in Title 36, section 1145. Collection of such fire protection tax shall be enforced in the same manner as provided for the enforcement of collection of county taxes~~

~~All sums paid to counties by the State Tax Assessor under this section for fire protection shall be expended by the county commissioners exclusively for the purposes for which the assessments were made. Any county commissioner who willfully violates this paragraph shall be punished by a fine of not more than \$100~~

The Town of Eagle Lake may provide fire protection, other than forest fire protection, for Township 16, R.6. ~~Assessment, taxation, collection and enforcement of collection of an amount sufficient to provide for that protection shall comply with the provisions of the first paragraph of this section~~ The State Tax Assessor ~~county commissioners~~ shall directly reimburse the Town of Eagle Lake for the full amount collected for reasonable cost of providing those fire protection services for Township 16, R.6.

Sec. 3. 30 MRSA § 1202, as last amended by PL 1977, c. 681, §§ 1-3, is further amended to read:

§ 1202. Public services

The county commissioners of Washington County are authorized, on behalf of the inhabitants of all unorganized townships within the county to enter into contracts on such terms as they deem fit with one or more persons, associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fire protection, and public dumps for said townships. The county commissioners of Franklin County are authorized on behalf of the inhabitants of Coburn Gore and of ~~Township 3, R.2, BKPWR (Jerusalem) and Township 4, R.2, BKPWKR (Sugarloaf Township)~~ and the county commissioners of Oxford County are authorized on behalf of the inhabitants of Albany Township and Milton Township to enter into similar contracts or to take similar steps to provide public dumps for said townships. The county commissioners of Piscataquis County are authorized, on behalf of the inhabitants of Harford's Point, Little Squaw, Big Squaw, T.1, R.9, W.E.L.S., A.2 Gore, Lily

Bay, Frenchtown, Orneville and Williamsburg Townships, to enter into contracts on such terms as they deem fit with one or more persons, associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fire protection, and public dumps for said townships; and they are authorized on behalf of the inhabitants of Orneville and Chesuncook Townships to enter into similar contracts or take similar steps to provide cemetery maintenance for said townships. ~~The county commissioners shall annually assess upon said townships an amount sufficient to provide for such services, said tax not to exceed 1% of the valuation of said townships, and said assessment shall be certified and transmitted by the county treasurer to the State Tax Assessor not later than April 1st each year. The State Tax Assessor shall determine the amount of tax due, in accordance with Title 36, section 1142, and shall include such amount in the statement referred to in Title 36, section 1145. Collection of such tax shall be enforced in the same manner as provided for the enforcement of collection of county taxes~~

Sec. 4. 33 MRSA § 751, sub-§ 10, as amended by PL 1977, c. 145, § 8, is amended to read:

10. Municipal and unorganized territory tax liens. Recording and indexing a municipal or unorganized territory tax lien filed in accordance with Title 36, section 942 or 1281, the sum of \$3, together with an additional \$3 for recording and indexing each discharge of a municipal or unorganized territory tax lien;

Sec. 5. 36 MRSA § 292, sub-§ 1, 2nd sentence, as repealed and replaced by PL 1975, c. 765, § 4, is repealed.

Sec. 6. 36 MRSA § 297, as enacted by PL 1977, c. 549, § 11, is repealed.

Sec. 7. 36 MRSA § 298, as enacted by PL 1977, c. 549, § 11, is repealed.

Sec. 8. 36 MRSA § 303, as last amended by PL 1975, c. 765, § 5, is further amended to read:

§ 303. Organized territory

The organized territory of the State shall be divided into primary assessing areas and municipal assessing units on or before July 1, 1979. The foregoing division shall be made by the ~~director~~ **State Tax Assessor** utilizing the following criteria as appropriate.

1. Primary assessing areas. Primary assessing areas, including both primary assessing units and multi-municipal primary assessing districts, shall be established by:

A. Giving consideration to existing municipal and School Administrative District lines without regard to existing county lines;

B. Utilizing such factors as geography, distance, number of parcels, urban

characteristics, sales activity and other factors the ~~director~~ **State Tax Assessor** believes important;

C. If the ~~director~~ **State Tax Assessor** wishes, the appointment of an advisory committee to assist him in making the division and in establishing assessing standards; **and**

D. Determining the boundaries of such areas and, after appropriate hearing by interested parties, as conditions and personnel warrant.

Primary assessing areas, both single units and districts, shall be reviewed at least every 10 years by the ~~director~~ **State Tax Assessor**. When conditions justify alteration of the boundaries of the primary assessing areas, the State Tax Assessor may so order after appropriate hearing. Any municipality may withdraw from designation as a primary assessing area upon proper notice.

2. Municipal assessing units. Any municipality may decide not to be designated as a primary assessing area and shall be designated a municipal assessing unit. ~~As such, the municipality shall be subject to the minimum assessing standards of subchapter V, the rules and regulations of the bureau as described in section 328 and, if the unit decides to hire a professional full-time assessor, the assessor certification requirements of sections 311 and 312~~ **If the municipal assessing unit hires a professional full-time assessor, he shall be subject to the certification requirements of sections 311 and 312.**

Sec. 9. 36 MRSA § 328, first ¶, last sentence, as enacted by PL 1975, c. 545, § 13, is amended to read:

~~For municipal assessing units and primary assessing areas alike municipalities, whether a municipal assessing unit or in a primary assessing area, such regulations shall recognize that:~~

Sec. 10. 36 MRSA § 328, last ¶, as enacted by PL 1975, c. 545, § 13, is amended to read:

~~Upon a municipal assessing unit's or primary assessing area's~~ **municipality's** failure to achieve the minimum assessing standards of this subchapter, the bureau may choose at least one or more of the above administrative practices as necessary corrective steps to be undertaken by said municipality, in accordance with sections 291 through 293 and 329.

Sec. 11. 36 MRSA § 329, as enacted by PL 1975, c. 545, § 13, is amended to read:

§ 329. Inability to achieve standards

Upon an initial determination by the Bureau of Taxation that a ~~municipal assessing unit~~ **municipality** has not met the minimum standards set forth in this subchapter, the municipality has the following 2 options:

1. **The municipality may accept the bureau's determination.** Upon such acceptance, the bureau shall consult with the officers of the municipality and require steps by which the municipality shall achieve an equitable level of assessing practices. Such steps shall endeavor to accommodate the preferences of the municipal officers and may include membership, **where applicable**, in a primary assessing district, the joining with a companion municipality in the hiring of a part time, professional assessor or an assessing firm or other arrangements approved by the Bureau of Taxation;

2. **Appeal.** The ~~municipal-assessing-unit~~ **municipality** deeming itself aggrieved may file a written notice of appeal with the Municipal Valuation Appeals Board in accordance with the provisions of sections 291 through 293.

Sec. 12. 36 MRSA § 342 is repealed.

Sec. 13. 36 MRSA § 451, sub-§ 3, as enacted by PL 1975, c. 660, § 5, is repealed.

Sec. 14. 36 MRSA § 452, as last amended by PL 1977, c. 48, § 4, and I.B. 1977, is repealed.

Sec. 15. 36 MRSA § 502, 2nd sentence, is repealed.

Sec. 16. 36 MRSA § 579, as last amended by PL 1977, c. 509, §§ 6-7, is repealed and the following enacted in its place:

§ 579. **Schedule, investigation**

The owner or owners of forest land subject to valuation under this subchapter shall submit a signed schedule in duplicate, on or before April 1st of the year in which that land first becomes subject to valuation under this subchapter, to the assessor upon a form to be prescribed by the State Tax Assessor, identifying the land to be valued hereunder, listing the number of acres of each forest type, showing the location of each forest type and representing that the land is used primarily for the growth of trees and forest products. Those schedules may be required at such other times as the assessor may designate upon 90-days' written notice.

The assessor shall determine whether the land is subject to valuation and taxation hereunder and shall classify such land as to forest type.

The assessor or the assessor's duly authorized representative may enter and examine the forest lands under this subchapter and may examine into any information submitted by the owner or owners.

Upon notice in writing by certified mail, return receipt requested, or by such other method as provides actual notice, any owner or owners shall appear before the assessor, at such reasonable time and place as the assessor may designate and answer such questions or interrogatories as the assessor may deem necessary to obtain material information about those lands.

If the owner or owners of any parcel of forest land subject to valuation under this subchapter fails to submit the schedules under the foregoing provisions of this section or fails to provide information after notice duly received as provided under this section, such owner or owners shall be deemed to have waived all rights of appeal pursuant to section 583 for that property tax year, except for the determination that the land is subject to valuation under this subchapter.

It shall be the obligation of the owner or owners to report to the assessor any change of use or change of forest type of land subject to valuation hereunder.

If the owner or owners fail to report to the assessor a change of use as required by the foregoing paragraph, the assessor may collect such taxes as should have been paid, shall collect the penalty provided in section 581 and shall assess an additional penalty of 25% of the foregoing penalty amount. The assessor may waive the additional penalty for cause.

For the purposes of this section, the acts of owners specified in this section may be taken by an authorized agent of an owner.

Sec. 17. 36 MRSA § 582, sub-§ 5, as enacted by PL 1977, c. 720, § 5, is repealed.

Sec. 18. 36 MRSA § 582-A is enacted to read:

§ 582-A. Payment for tax pending review

Any person who petitions for reconsideration of an order of the State Tax Assessor under section 576 or 576-B or seeks abatement of any assessment under this subchapter or seeks review of any matter arising under this subchapter shall pay on or before the due date all taxes assessed on land subject to valuation under this subchapter, notwithstanding the pendency of a petition for reconsideration, abatement or review.

Sec. 19. 36 MRSA § 583, first sentence, as repealed and replaced by PL 1979, c. 520, § 2, is amended to read:

Assessments made under this subchapter and denials of applications for valuation under this subchapter are subject to the abatement procedures provided by section 841.

Sec. 20. 36 MRSA § 841-B is enacted to read:

§ 841-B. Land Classification Appeals Board; purpose, composition

The Land Classification Appeals Board is established to hear appeals from decisions of municipal tax assessors, chief assessors and the State Tax Assessor acting as assessor of the unorganized territory relating to the Maine Tree Growth Tax Law or the Farm and Open Space Tax Law. The board shall be composed of 4 voting members: The Commissioner of Conservation or his designee; the Commissioner of Agriculture or his designee; the person who, pursuant to section

584, is currently serving on the Forest Land Valuation Advisory Council as the landowner member; and the person who, pursuant to section 584, is currently serving on the Forest Land Valuation Advisory Council as the municipal officer. The Commissioner of Finance and Administration or his designee shall serve in an advisory capacity as a nonvoting member and as chairman of the board. In the case of a tie vote, the Commissioner of Finance and Administration or his designee shall vote to break the tie. The landowner member and the municipal officer shall be compensated by the Bureau of Taxation at \$25 per day plus actual expenses. All other members shall be compensated by the agency they represent for actual expenses incurred in the performance of their duties under this section.

Sec. 21. 36 MRSA § 841-C is enacted to read:

§ 841-C. Hearing

An appeal to the Land Classification Appeals Board is commenced by filing with the board a written application for review. The time within which the application for review must be filed is 30 days from receipt of the assessor's decision or 30 days from the date an abatement is deemed to be denied.

On receipt of an application for review by the Land Classification Appeals Board, the chairman shall designate a time and place for hearing and make such other arrangements for the hearing as may be necessary. The board may summons witnesses, administer oaths, order the production of books, records, papers, instruments and any additional evidence it deems necessary in order to make a decision. The board may affirm, reject or amend determinations of assessors, chief assessors and the State Tax Assessor, made pursuant to the Maine Tree Growth Tax Law or the Farm and Open Space Tax Law. The board may order a refund in whole or in part of any taxes, costs, penalties or interest thereon which have been erroneously or unjustly paid. If the board fails to give written notice of its decision within 90 days of the filing of such an appeal, the appeal shall be deemed to be denied and the applicant may appeal further as provided, unless the applicant consents in writing to further delay.

Sec. 22. 36 MRSA § 844, first sentence, as last amended by PL 1977, c. 509, § 19. is further amended to read:

Except where the municipality has adopted a board of assessment review or has been designated as a primary assessing area, if the assessors refuse to make the abatement asked for, the applicant may apply to the county commissioners, at their next meeting occurring after notice of the decision from which such appeal is being taken or after the application shall be deemed to have been denied, and within 30 days after notice of the decisions from which the appeal is being taken, or within 30 days after the application shall be deemed to be denied. If they think that he is over-assessed, he shall be granted such reasonable abatement as they think proper, and if he has paid the tax, he shall be reimbursed out of the municipal treasury, with costs in either case.

Sec. 23. 36 MRSA § 1108, sub-§ 1, last sentence, as enacted by PL 1975, c. 726, § 2, is repealed.

Sec. 24. 36 MRSA § 1117, as enacted by PL 1975, c. 726, § 2, is repealed.

Sec. 25. 36 MRSA § 1118, as repealed and replaced by PL 1977, c. 694, § 699, is repealed and the following enacted in its place:

§ 1118. Appeals and abatements

The denial of an application or an assessment made under this subchapter is subject to the abatement procedures provided by section 841. Appeal from a decision rendered under section 841 or a recommended current use value established under section 1106 shall be to the Land Classification Appeals Board.

Sec. 26. 36 MRSA c. 107, sub-c. I, as amended is repealed.

Sec. 27. 36 MRSA § 1231, first ¶, last sentence, as enacted by PL 1973, c. 625, § 252, is amended to read:

Such property shall be taxed at the rate provided in section ~~451~~ 1602.

Sec. 28. 36 MRSA § 1232, first sentence, is amended to read:

Taxes levied under section ~~1231~~ 1602 shall be paid to the State Tax Assessor on or before October 1st of each year.

Sec. 29. 36 MRSA § 1281, first sentence, as last amended by PL 1973, c. 625, § 254, is further amended to read:

~~State, taxes~~ **Taxes** on real estate mentioned in section ~~1141~~ 1602, including supplementary taxes assessed under section 1331, shall be delinquent on the first day of February next following the date of assessment.

Sec. 30. 36 MRSA § 1281, as last amended by PL 1977, c. 679, § 4, is further amended by adding after the 2nd sentence 2 new sentences to read:

In case the owners of any such real estate are unknown, instead of sending the notices by mail, he shall cause the information required in this section on such real estate to be advertised in the state paper and in some newspaper, if any, published in the county in which the real estate lies. Such a statement or advertisement shall be sufficient legal notice of delinquent taxes.

Sec. 31. 36 MRSA § 1281, last sentence, as amended by PL 1965, c. 115, is further amended to read:

The costs to be charged by the register of deeds for such filing shall not exceed ~~\$1~~ \$3.

Sec. 32. 36 MRSA § 1284, first sentence, as last amended by PL 1973, c. 625, § 256, is further amended to read:

The State Tax Assessor may bring a civil action in his own name to enforce the lien on real estate created by section 552, too secure payment of state taxes assessed under section ~~1141~~ and 1331 and 1602 upon real estate not liable to be assessed in any town.

Sec. 33. 36 MRSA § 1285, as last amended by PL 1975, c. 765, § 16, is further amended by adding at the end a new sentence to read:

In case the owners of any such real estate are unknown, the demand shall be sufficient if advertised in the state paper and in some newspaper, if any, published in the county in which the real estate lies.

Sec. 34. 36 MRSA § 1482, sub-§ 1, ¶ C, sub-¶ (1), as enacted by PL 1973, c. 588, § 8, is repealed.

Sec. 35. 36 MRSA § 1482, sub-§ 1, ¶ C, sub-¶ (2), as enacted by PL 1973, c. 588, § 8, is repealed and the following enacted in its place:

(2) On new registrations of automobiles, trucks and truck tractors, the excise tax payment shall be made prior to registration and shall be for a one-year period from the date of registration.

Sec. 36. 36 MRSA § 1482, sub-§ 1, ¶ C, sub-¶ (3), as enacted by PL 1973, c. 588, § 8, is repealed.

Sec. 37. 36 MRSA § 1482, sub-§ 2, ¶ B, as enacted by PL 1975, c. 765, § 18, is amended to read:

B. The excise tax levied in this section on automobiles, **trucks and truck tractors** shall be, during the last 4 months of a registration year, 1/2 the sum named in subsection 1, paragraph C.

Sec. 38. 36 MRSA § 1482, sub-§ 5, ¶ C, as amended by PL 1973, c. 588, § 11, is further amended to read:

C. From November 1st to the last day of February such credit shall not exceed 1/2 the amount of the maximum tax, except that for automobiles, **trucks and truck tractors**, during the last 4 months of the registration year, such credit shall not exceed 1/2 the maximum tax.

Sec. 39. 36 MRSA § 1482, sub-§ 6, ¶¶ A and B, as amended by PL 1973, c. 588, § 12, are further amended to read:

A. Where the person seeking to pay the excise tax owned the vehicle other than an automobile, **truck or truck tractor** on or before April 1st, the excise tax must

be paid before property taxes for the year in question are committed to the collector, otherwise the owner is subject to a personal property tax.

B. Where the person seeking to pay the excise tax acquired the vehicle other than an automobile, **truck or truck tractor** after April 1st, or, being a nonresident, brought the vehicle other than an automobile, **truck or truck tractor** into this State after April 1st, the excise tax may be paid at any time.

Sec. 40. 36 MRSA § 1482, sub-§ 6, ¶ E, as enacted by PL 1973, c. 588, § 13, is amended to read:

E. The Secretary of State may provide the registrant of an automobile, **truck or truck tractor** with a renewable form for processing by the excise tax collector in lieu of the excise tax collector providing the forms.

Sec. 41. 36 MRSA § 1547, as amended by PL 1973, c. 625, § 261, is further amended to read:

§ 1547. Taxes due from forfeited interest charged against unorganized territory education and services fund

After such timber and grass shall be wholly forfeited to the State, the State Tax Assessor shall certify to the State Controller the amount of unpaid taxes and interest then outstanding. Such state taxes and interest shall be charged to the ~~unorganized townships fund in the township in which the forfeited interest in the public reserved lot is located~~ **Unorganized Territory Education and Services Fund.**

Sec. 42. 36 MRSA §§ 1606-1607 are enacted to read:

§ 1606. Property taxes credited on assessments; quarterly payments

Notwithstanding any other statute to the contrary, the gross amount of property taxes assessed upon real and personal property in the unorganized territory through the State Tax Assessor for the benefit of any special fund or political subdivision of the State may be credited on the books of the State to the special fund or to the proper fiscal officer of the political subdivision. The Treasurer of State shall pay to that fiscal officer the amount of the tax so assessed, in equal quarterly amounts, on or before the last day of July, October, January and April following the date of the assessment. The amount of the assessment is appropriated for the purposes of this section. Upon collection by the State Tax Assessor, such taxes shall be deposited in the Unorganized Territory Education and Services Fund. All abatements of such taxes shall be charged against the Unorganized Territory Education and Services Fund and all interest and supplemental assessments shall be paid into the Unorganized Territory Education and Services Fund; and neither may be charged against or credited to the special fund or political subdivision on account of which the tax was levied. Any excess of supplemental assessments over abatements accruing to the Unorganized Territory Education and Services Fund shall be considered as reimbursement to

the Unorganized Territory Education and Services Fund for administrative expenses connected with the assessment of those taxes. The intent of the Legislature is to permit the administration of all real and personal property taxes in the unorganized territory through the Unorganized Territory Education and Services Fund as a matter of convenience and economy.

§ 1607. Meaning of letters used in lists

In the lists made by the State Tax Assessor, in accordance with this chapter, for purposes of valuation and assessment, the following initial letters mean as follows: The letter "T." when used alone means Township; the letter "R." when used alone means Range; the letter "N." when used alone means North; "E." means East; "S." means South; "W." means West; the letters "N.W." means North West; "N.E." means North East; "S.W." means South West; and "S.E." means South East.

The letters "W.E.L.S." means West of the East Line of the State; "B.K.P." means Bingham's Kennebec Purchase; "B.P.P." means Bingham's Penobscot Purchase; "N.B.P.P." means North of Bingham's Penobscot Purchase; "W.B.K.P." means West of Bingham's Kennebec Purchase; "N.B.K.P." means North of Bingham's Kennebec Purchase; "W.K.R." means West of the Kennebec River; "E.K.R." means East of the Kennebec River; "E.C.R." means East of the Canada Road; "W.C.R." means West of the Canada road; "N.W.P." means North of Waldo Patent; "T.S." means Titcomb Survey; "E.D." means East Division; "M.D." means Middle Division; "N.D." means North Division; and "S.D." means South Division.

Effective July 3, 1980

CHAPTER 667

H. P. 1935 — L. D. 1986

AN ACT to Permit Optional Life Insurance for the Comaker of a Debt.

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

Sec. 1. 9-B MRSA § 443, sub-§ 7 is enacted to read:

7. Authorized insurance. A financial institution, while acting as a creditor may make insurance available to the extent authorized by Titles 9-A and 24-A. In so doing, a financial institution which makes life insurance available pursuant to Title 24-A, section 2604 where the indebtedness is secured to the creditor by a mortgage on real estate with an initial term exceeding 15 years, and where a separate charge is made to the debtor for that insurance, shall make the insurance available jointly to the debtor and not more than one comaker of the indebtedness,