

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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or insurance carrier to pay compensation as provided in this section a forfeiture not to exceed \$25 for each day of noncompliance shall be assessed against the employer or the insurance carrier.

If any employer, who is required to secure the payment to his employees of the compensation provided for by this Act, fails to do so, he shall be subject to any and all of the penalties set out in paragraphs A, B and C. The failure of any employer to procure insurance coverage for the payment of compensation and other benefits to his employees in compliance with sections 21-A and 23 constitutes a failure to secure payment of compensation within the meaning of this subsection.

A. The employer is guilty of a Class D crime.

B. The employer shall be liable to pay a civil penalty of up to \$10,000, payable to the Second Injury Fund.

C. The employer, if organized as a corporation, shall be subject to revocation or suspension of its authority to do business in this State as provided in Title 13-A, section 1302. The employer, if licensed, certified, registered or regulated by any board authorized by Title 5, section 12004, subsection 1, or whose license may be revoked or suspended by proceedings in the Administrative Court or by the Secretary of State, shall be subject to revocation or suspension of its or his license, certification or registration.

Prosecution under paragraph A does not preclude action under paragraph B or C.

If that employer is a corporation, any agent of the corporation having primary responsibility for obtaining insurance coverage is liable for punishment under this section. Determination of criminal liability shall be in conformity with Title 17-A, sections 60 and 61.

Sec. 6. 39 MRSA §104-A, sub-§3 is enacted to read:

3. Certificate. Notwithstanding any other provision of law or rule of evidence, the certificate of the Director of Administrative Services, under seal of the commission, shall be received in any court in this State as prima facie evidence of facts pertaining to insurance coverage records contained in the certificate or within the documents attached to the certificate.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 27, 1987.

## CHAPTER 78

H.P. 359 — L.D. 462

## AN ACT to Amend Provisions of the Maine Insurance Code Dealing with Capital and Surplus Requirements of Insurers.

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

Sec. 1. 24-A MRSA §410, sub-§1, ¶C, as enacted by PL 1983, c. 709, §1, is amended to read:

C. Until January 1, 1989, a domestic mutual insurer formed prior to January 1, 1968, and while possessing surplus of not less than \$200,000 may be authorized to transact, in addition to the types of insurance it was transacting prior to July 24, 1984, any other additional kinds of insurance authorized by its charter; subject to those minimum required basic surplus amounts applicable as to foreign mutual insurers as contained in the table in paragraph B, if the insurer is to transact life insurance together with any one or more of property, casualty, surety or marine and transportation insurances.

Sec. 2. 24-A MRSA §410, sub-§1, ¶D, as enacted by PL 1983, c. 709, §1, is amended to read:

D. Domestic mutual insurers holding a certificate of authority upon January 1, 1989, if otherwise qualified ~~therefor~~, and possessed of basic surplus in minimum required amounts as contained in the table in this paragraph may continue to be so authorized, provided those insurers continue to possess and maintain unimpaired basic surplus funds as determined ~~herein~~ in this paragraph and applicable to those lines or kinds of insurance permitted by its certificate of authority immediately prior to January 1, 1989. Upon application by any such insurer and written approval by the superintendent, the insurer's certificate of authority may be extended to permit the writing of other kinds or lines of insurance if the insurer is qualified ~~therefor~~ and possessed of basic surplus funds in amounts contained in the table in this paragraph. A domestic mutual insurer holding a certificate of authority prior to January 1, 1989, but which does not possess and maintain basic surplus in the minimum required amounts contained in the table in this paragraph, may continue to be authorized to transact insurance in this State and to write other kinds or lines of insurance, subject to the approval of the superintendent, as long as it maintains 100% reinsurance and has no liabilities.

For the purposes of this paragraph, any assuming reinsurer must be a corporation which possesses the ability to exercise control of the ceding insurer, must be an insurance company possessed of a certificate of authority to transact the same kinds of insurance in this State as those assumed and shall file a consolidated annual statement as required by section 423.

A health, life and health or multiple line (as described in section 710) insurer may qualify for a certificate of authority to transact a legal services insurance busi-

ness, as described in chapter 38, if it is otherwise qualified therefor and possesses and thereafter maintains, in addition to the amounts described in the following table, an additional amount of unimpaired paid-in capital stock, if a stock insurer, or unimpaired basic surplus, if a foreign mutual or reciprocal insurer, of not less than \$500,000.

Kind or Kinds of Insurance	Domestic Mutual Insurers
Life	\$1,000,000
Health	500,000
Life and Health	1,250,000
Casualty	750,000
Marine and Transportation	1,000,000
Property	500,000
Surety	1,000,000
Title	350,000
Multiple Line (as defined in section 710)	1,250,000
Life, and any one or more of Property, Casualty, Surety, Marine and Transportation	2,500,000

Effective September 29, 1987.

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## CHAPTER 79

H.P. 820 — L.D. 1108

### AN ACT to Amend Implementation of the International Registration Plan and Apportioned Fees for Certain Commercial Vehicles.

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

**Sec. 1.** 29 MRSA §242, as amended by PL 1985, c. 762, §§26 and 27, is further amended by adding at the end 2 new paragraphs to read:

With the approval of the Secretary of State, an annual registration fee for the State under the International Registration Plan may be paid in quarterly installments. If the person in whose name a vehicle is registered fails to make timely payments of a fee or an approved quarterly installment of the fee, the Secretary of State may suspend, without preliminary hearing, the registration of the vehicle pursuant to section 2241, subsection 3. In cases in which a vehicle has been registered as part of a fleet and there has been failure to make a payment for the vehicle, the Secretary of State may suspend registrations for all vehicles in the fleet.

Vehicles being registered under the International Registration Plan shall be subject to a registration fee determined on a monthly prorated basis if the registration period is less than one year.

**Sec. 2.** 29 MRSA §245, last ¶, as amended by PL 1985, c. 735, §§2 and 7, is repealed.

**Sec. 3.** 29 MRSA §2243-A, first ¶, as amended by PL 1985, c. 735, §4, is further amended to read:

Notwithstanding any other provisions of this Title, the Secretary of State, in concurrence with the Commissioner of Transportation, is authorized to enter into reciprocal agreements or plans on behalf of the State of Maine with the appropriate authorities of any of the states of the United States, the District of Columbia or any state or province of any country providing for the registration of vehicles on any apportionment or allocation basis and may, in the exercise of this authority, enter into and become a member of the International Registration Plan with an entry date of January 1, ~~1989~~ 1990.

**Sec. 4.** 29 MRSA §2243-A, sub-§3, as enacted by PL 1985, c. 735, §4, is amended to read:

3. Registration transition. The annual registration of motor vehicles that are to be registered under the International Registration Plan become void on January 1, 1988, and the annual registration fees for these vehicles, issued in the 12 months prior to Maine's entry, shall be prorated on a monthly basis and be rounded off to the nearest 1/4 of a dollar and issued for such a number of months as is necessary to expire on December 31st of the year prior to Maine's entry into the International Registration Plan.

**Sec. 5.** 36 MRSA §1482, sub-§1, ¶D is enacted to read:

D. The excise tax on motor vehicles that are to be registered under the International Registration Plan, issued in the 12 months prior to Maine's entry, shall be prorated on a monthly basis and paid for such a number of months as is necessary for the registration to expire on December 31st of the year prior to Maine's entry into the International Registration Plan.

**Sec. 6.** 36 MRSA §1482, sub-§5, ¶F, as enacted by PL 1985, c. 735, §§6 and 7, is repealed.

**Sec. 7. Effective date.** This Act shall become effective on January 1, 1989, provided that Maine's application to join the International Registration Plan is approved.

Effective January 1, 1989, unless otherwise indicated.

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## CHAPTER 80

S.P. 88 — L.D. 209

### AN ACT to Repeal the Sunset Provision of the Social Workers Freedom of Choice Law.