

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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As Passed by the One Hundredth Legislature

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license, the commission shall set the application down for a hearing and determination as provided in section 9.'

Sec. 3. R. S., c. 84, § 7, amended. The 3rd paragraph of section 7 of chapter 84 of the Revised Statutes is amended to read as follows:

'The original fee for each real estate broker's license shall be ~~\$10~~ \$15 and the annual renewal fee shall be ~~\$5~~ \$10. The original fee for each real estate salesman's license shall be ~~\$5~~ \$10 and the annual renewal fee shall be ~~\$2~~ \$5; provided that when a partnership, association or corporation shall have paid an original fee of ~~\$10~~ \$15 or a renewal fee of ~~\$5~~ \$10 and shall have designated one of its members or officers as a real estate broker, as hereinafter provided in this section, the fees payable by any other member or officer actively engaged in the real estate business of such partnership, association or corporation shall be ~~\$5~~ \$10 for the first registration fee and ~~\$2~~ \$5 for the renewal fee, for which a salesman's license shall be issued; but any such member or officer shall be entitled to a broker's license upon the payment of the usual fee therefor.'

Sec. 4. R. S., c. 84, § 7, amended. The 7th paragraph of section 7 of chapter 84 of the Revised Statutes, as amended by section 1 of chapter 35 of the public laws of 1957, is further amended to read as follows:

'Every resident real estate broker shall maintain a fixed and definite place of business in this State. If the real estate broker maintains more than one place of business within the State, a duplicate license shall be issued to such broker for each branch office maintained and a fee of \$2 shall be paid for each duplicate license. A fee of \$2 shall be paid for a license for change of business location or branch office.'

Sec. 5. R. S., c. 84, §§ 3-6, repealed. Section 3, section 4 as amended by chapter 423 of the public laws of 1955, section 5 and section 6, all of chapter 84 of the Revised Statutes, are repealed.

Sec. 6. R. S., c. 84, § 10, amended. Section 10 of chapter 84 of the Revised Statutes is amended by adding at the end a new paragraph, to read as follows:

'The resident qualifications and the examination requirements shall not apply on application of a nonresident broker or salesman for a license limited to transactions involving industrial plants, sites and parks, provided such applicant has been licensed in some other state as a broker or salesman for a period of 10 years and submits proof that he specializes in industrial real estate, and provided such other state allows similar privileges to residents of this State.'

Effective September 16, 1961

Chapter 139

AN ACT Relating to Assigned Risks.

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

R. S., c. 60, § 345, amended. Section 345 of chapter 60 of the Revised Statutes, as amended by chapter 115 of the public laws of 1959, is further amended to read as follows:

'Sec. 345. Assigned risks. Agreements may be made among insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to but who are unable to procure such insurance through ordinary methods and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance, such agreements and rate modifications to be subject to the approval of the commissioner.

~~The use of uniform rates for automobile assigned risks is permitted.~~

Every insurer undertaking to transact in this State the business of automobile and motor vehicle bodily injury and property damage liability insurance and every rating organization which files rates for such insurance shall cooperate in the preparation and submission of a plan for the equitable apportionment among insurers of applicants for insurance who are in good faith entitled to, but who are unable to procure through ordinary methods, such insurance. The plan shall provide:

I. Distribution of risks. Reasonable rules governing the equitable distribution of risks by direct insurance, reinsurance or otherwise and their assignment to insurers;

II. Rates. Rates and rate modifications applicable to such risks which shall not be excessive, inadequate or unfairly discriminatory;

III. Liability. The limits of liability which the insurer shall be required to assume;

IV. Hearings; appeal. A method whereby applicants for insurance, insureds and insurers may have a hearing on grievances and the right of appeal to the commissioner.

The plan shall be filed in writing with the commissioner. The commissioner shall review the plan as soon as reasonably possible after filing in order to determine whether it meets the requirements set forth in subsections I, II, III and IV. The plan, unless sooner approved in writing, shall be on file for a waiting period of 30 days before it becomes effective. The plan shall be deemed approved unless disapproved by the commissioner within the waiting period.

Subsequent to the waiting period, the commissioner may disapprove the plan on the ground that it does not meet the requirements set forth in subsections I, II, III and IV, but only after a hearing held upon not less than 10 days' written notice to every insurer and rating organization affected, specifying the matters to be considered at such hearing, and only by an order specifying in what respect he finds that the plan fails to meet such requirements, and stating when within a reasonable period thereafter the plan shall be deemed no longer effective. Such order shall not affect any assignment made or policy issued or made prior to the expiration of the period set forth in said order. Amendments to the plan shall be prepared, filed and reviewed in the same manner as herein provided with respect to the original plan.

If no plan meeting the standards set forth in subsections I, II, III and IV is submitted to the commissioner by January 1, 1962, or within the period stated in any order disapproving an existing plan he shall, if necessary to

carry out the purpose of this section after hearing, prepare and promulgate a plan meeting such requirements. When the plan or amendments thereto have been approved or promulgated, no insurer shall thereafter issue a policy of automobile and motor vehicle bodily injury and property damage liability insurance or undertake to transact such business in this State unless such insurer shall participate in such an approved or promulgated plan.

If, after hearing, the commissioner finds that any activity or practice of any insurer or rating organization in connection with the operation of the plan is unfair or unreasonable or otherwise inconsistent with this section, he may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with this section and requiring the discontinuance of such activity or practice.'

Effective September 16, 1961

Chapter 140

AN ACT Authorizing Municipalities to Record Certain Instruments by Microfilm.

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

R. S., c. 178, § 2, amended. Section 2 of chapter 178 of the Revised Statutes is amended to read as follows:

'Sec. 2. Duty of clerk; consent for sale or exchange. The clerk shall record all such mortgages, and all other papers and documents delivered to him and entitled to be recorded, in a book or books kept for that purpose, noting therein and on the mortgage, paper or document the time when it was received; ~~and it~~. It shall be considered as recorded when received. No consent given by the mortgagee of personal property to the mortgagor for the sale or exchange of the mortgaged personal property shall be valid or be used in evidence in civil process unless in writing and signed by the mortgagee or his assigns. The clerk may, in recording such mortgages, papers and documents, copy the same into a book kept for such purposes or he may bind into such book a photostatic copy thereof or an attested copy thereof or he may microfilm such mortgage papers and documents. The pages of such book shall be numbered consecutively and within 24 hours of the time when such mortgage, paper or other document was received for record, the clerk shall record in a book kept for that purpose, or on cards kept in a file and open to the public, the names of the parties to said mortgage or other document and the book and page or frame of microfilm where the same is recorded shall be added later.'

Effective September 16, 1961

Chapter 141

AN ACT Relating to Election of Governors and Representative at the Legislature of Passamaquoddy Tribe of Indians.

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

Sec. 1. R. S., c. 25, § 371, amended. The first 3 sentences of section 371 of chapter 25 of the Revised Statutes, as amended by section 5 of chapter 164 of the public laws of 1957, are amended to read as follows: