

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

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STATE OF MAINE
AS PASSED BY THE
One Hundred and Second Legislature
1965

Whereas, efforts on the national level are being made to beautify the roadsides of highways under the program of the President of the United States to beautify America; and

Whereas, the following legislation is vitally necessary to implement this program in Maine in the spring and summer of 1965 for the benefit of the inhabitants of Maine and our summer visitors who use our highways; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 23, § 153, amended. The first paragraph of section 153 of Title 23 of the Revised Statutes is amended to read as follows:

'The commission may purchase or take over and hold for the State, such materials and land as it may deem necessary to lay out and establish, construct, improve or maintain, or to provide a change of location or alignment of, or to provide drainage for, or to provide rest areas, parking strips, roadside and landscape development for the preservation and development of natural scenic beauty, or to provide for the health, safety and welfare of the public using, any state or state aid highway, or to secure materials, with necessary ways and access thereto, for the construction, improvement and maintenance of state and state aid highways.'

Sec. 2. R. S., T. 23, § 651, amended. Section 651 of Title 23 of the Revised Statutes is amended by adding after the first paragraph a new paragraph to read as follows:

'The commission may preserve and develop the natural scenic beauty along and adjacent to any state or state aid highway to integrate the public improvement with the aesthetics of the area traversed by the highway and may establish and maintain rest areas, turn-outs and parking strips for the suitable accommodation of the public whenever in its judgment the public exigency may require.'

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

Effective May 20, 1965

Chapter 296

AN ACT Relating to Coercion in Placing Insurance on Real and Personal Property.

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

Sec. 1. R. S., T. 24, § 2906, repealed and replaced. Section 2906 of Title 24 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2906. Coercion in requiring insurance

No person, firm or corporation engaged in the business of financing the purchase of real or personal property or of lending money on the security of real or

personal property shall require, as a condition to such financing or lending, or as a condition to the renewal or extension of any such loan or to the performance of any other act in connection with such financing or lending, that the purchaser or borrower, or his successors, shall negotiate through a particular insurance company or companies, insurance agent or agents, broker or brokers, type of company or types of companies, any policy of insurance or renewal thereof insuring such property. This provision shall not prevent the exercise by any mortgagee of his right to approve the insurer selected by the borrower on a reasonable nondiscriminatory basis related to the solvency and assessment policies of the company and its ability to service the policy. Any person violating this section shall be punished by a fine of not more than \$100 or by imprisonment of not more than 60 days, or by both; and if he holds a license from the commissioner, he shall forfeit the same. The Superior Court, on complaint by any person that this section is being violated, may issue an injunction against such violation and may hold in contempt and punish therefor in case of disregard of said injunction.'

Sec. 2. R. S., T. 24, §§ 2906-A and 2906-B, additional. Title 24 of the Revised Statutes is amended by adding 2 new sections to be numbered 2906-A and 2906-B, to read as follows :

§ 2906-A. Notice of free choice of agent or insurer

Every debtor, borrower or purchaser of property with respect to which insurance of any kind on the property is required in connection with a debt or loan secured by such property or in connection with the sale of such property shall be informed by the creditor or lender of his right of free choice in the selection of the agent and insurer through or by which such insurance is to be placed. There shall be no interference either directly or indirectly with such borrower's, debtor's or purchaser's free choice of an agent and of an insurer which complies with the foregoing requirements, and the creditor or lender shall not refuse an adequate policy so tendered by the borrower, debtor or purchaser. Upon notice of any refusal of such tendered policy, the Insurance Commissioner shall order the creditor or lender to accept the tendered policy, if he determines that such refusal is not in accordance with the foregoing requirements. Failure to comply with such an order of the Insurance Commissioner shall be deemed a violation of this section.

§ 2906-B. Using insurance information to detriment of another

Whenever the instrument requires that the purchaser, mortgagor or borrower furnish insurance of any kind on real or personal property being conveyed or is collateral security to a loan, the mortgagee or lender shall refrain from disclosing or using any and all such insurance information to his or its own advantage and to the detriment of either the borrower, purchaser, mortgagor, insurance company or company or agency complying with the requirements relating to insurance.'

Effective September 3, 1965

Chapter 297

AN ACT Relating to Condemnation of Land for Highway Purposes.

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

Sec. 1. R. S., T. 23, § 154, amended. The first sentence of the 2nd paragraph of section 154 of Title 23 of the Revised Statutes is amended to read as follows :