

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1965

PUBLIC LAWS
OF THE
STATE OF MAINE
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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:

‘A check in the amount of the determined net damage and offering price and a copy of the notice of condemnation shall be served on the owner or owners of record. In case there is multiple ownership, the check may be served on any one of the owners.’

Sec. 2. R. S., T. 23, § 154, sub-§ 2, ¶¶ H, I, additional. Subsection 2 of section 154 of Title 23 of the Revised Statutes is amended by adding 2 new paragraphs, as follows :

‘H. The check represents the state’s offer of just compensation. If the offer is not acceptable and the State cannot negotiate an agreement on the amount of just compensation within 60 days from the date of taking, the owner may apply to the commission within said 60 days and have the matter referred to the Land Damage Board for assessment of the damage. Acceptance and cashing this check will not jeopardize negotiation and will not be construed as acceptance of the offer;

I. Enclosed Check No.: Amount: \$
Payable to:
Sent to:’

Sec. 3. R. S., T. 23, § 154, sub-§ 3, ¶¶ F, G, additional. Subsection 3 of section 154 of Title 23 of the Revised Statutes is amended by adding 2 new paragraphs, as follows :

‘F. The check represents the state’s offer of just compensation. If the offer is not acceptable and the State cannot negotiate an agreement on the amount of just compensation within 60 days from the date of taking, the owner may apply to the commission within said 60 days and have the matter referred to the Land Damage Board for assessment of the damage. Acceptance and cashing this check will not jeopardize negotiation and will not be construed as acceptance of the offer;

G. Enclosed Check No.: Amount: \$
Payable to:
Sent to:’

Sec. 4. R. S., T. 23, § 154, amended. The 3rd and 4th paragraphs from the end of section 154 of Title 23 of the Revised Statutes are amended to read as follows :

‘Service of the notice of condemnation with the copy of the plan, check and the statement by the commission shall be made by registered or certified mail or by personal service as required for service of a summons on a complaint in the Superior Court. The notice of condemnation, only shall be published once in a newspaper of general circulation in the county where the property is located and such publication shall constitute service on any unknown owner or owners or other persons who may have or claim an interest in the property.

If such owner is a minor, or an incompetent person, the commission shall cause such notice and check to be served upon the legal guardian of such minor

or incompetent. If there is no such guardian, then the commission shall apply to the judge of probate for the county wherein the property is situated, briefly stating the facts and requesting the appointment of a guardian. The reasonable fee of such guardian as approved by the court shall be paid by the commission.'

Sec. 5. R. S., T. 23, § 155, amended. Section 155 of Title 23 of the Revised Statutes is amended by inserting after the first sentence, a new sentence, as follows:

'If within that time the owner rejects the state's offer of just compensation, such owner may apply to the commission and have the matter referred to the Land Damage Board for assessment of the damage.'

Sec. 6. R. S., T. 23, § 156, sub-§ 1, amended. Subsection 1 of section 156 of Title 23 of the Revised Statutes is amended to read as follows:

'1. Owners and encumbrances. The owner or owners of record and the holder of any mortgage, tax lien or other encumbrance **of record;**'

Sec. 7. R. S., T. 23, § 156, sub-§ 4, repealed and replaced. Subsection 4 of section 156 of Title 23 of the Revised Statutes is repealed and the following enacted in place thereof:

'4. Gross damage. The gross damage which shall be the net damage not including interest;'

Sec. 8. R. S., T. 23, § 156, sub-§§ 5-7, additional. Section 156 of Title 23 of the Revised Statutes is amended by adding 3 new subsections, as follows:

'5. Net amount of award. The net amount of the award which shall be the net damage less the amount paid the owner or owners at the date of taking;

6. Interest on award. The interest, if any, due on the net amount of the award from the date of taking to the date of the award;

7. Award. The award which shall be the net damage, less the amount paid the owner or owners at the date of taking plus interest on the net amount of the award.'

Sec. 9. R. S., T. 23, § 156, amended. The 3rd paragraph from the end of section 156 of Title 23 of the Revised Statutes is amended by inserting before the first sentence, a new sentence, as follows:

'No interest shall be allowed on so much of the net damage as has been paid to the owner or owners.'

Sec. 10. R. S., T. 23, § 157, amended. The 3rd and 4th paragraphs of section 157 of Title 23 of the Revised Statutes are amended to read as follows:

'If either the owner or owners of record or the commission appeal and the just compensation finally awarded, exclusive of interest, is less than the ~~award~~ of gross damage determined by the Land Damage Board, exclusive of any interest allowed, then the court shall give judgment in favor of the commission for the excess of the ~~award of gross damage determined by the Land Damage~~

Board, inclusive of interest, over the final award and for its costs from the time of appeal. Execution may be issued on such judgment.

If either the owner or owners of record or the commission appeal and the just compensation finally awarded, exclusive of interest, is not less than the ~~award of gross damage determined by~~ the Land Damage Board, exclusive of any interest allowed, then the court shall give judgment to the owner or owners for the amount in which the final award is in excess of the money deposited in court, **plus the amount paid the owner or owners**, exclusive of any interest awarded by the Land Damage Board, and for interest on such excess from the date of taking and for costs from the time of appeal. No interest shall be allowed on so much of any award as has been paid into court **or on any amount paid to the owner or owners**. The clerk shall certify the final judgment of the court to the commission which shall enter the same of record, and order the same to be paid by the Treasurer of State.'

Effective September 3, 1965

Chapter 298

AN ACT Relating to Amount of Aid to Aged, Blind or Disabled. .

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

R. S., T. 22, § 3404, amended. The 2nd sentence of section 3404 of Title 22 of the Revised Statutes is amended to read as follows:

'This aid shall be sufficient, when added to all other income and support, to provide a reasonable subsistence compatible with decency and health; ~~but not exceeding the maximum amount allowable by federal matching in accordance with Title XVI of the Social Security Act, as amended.~~

Effective September 3, 1965

Chapter 299

AN ACT Relating to Investigation in Divorce Cases Involving Child Custody.

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

R. S., T. 19, § 751, amended. Section 751 of Title 19 of the Revised Statutes is amended to read as follows:

§ 751. Investigation where custody of children involved

Whenever in any divorce action the custody of a minor child is involved, the court may request the State Department of Health and Welfare to investigate conditions and circumstances of the child and its parents. Upon completion of investigation the department shall submit a written report to the court at least **53** days before date of hearing ~~and at the same time forward a copy thereof to all counsel of record.~~ Such report shall be made available by the clerk of