

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Second Legislature
AT THE
SPECIAL SESSION
January 17 - February 9, 1966

The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of the 2 preceding sections to the following question: "Shall the public debt amortization fund of the City of Waterville be repealed and the funds thus released be used for the retirement of any indebtedness relating to the Waterville public schools?". The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

The 2 preceding sections shall take effect for all the purposes thereof immediately upon their acceptance by a majority vote of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of said sections at said election equaled or exceeded 10% of the total vote for all candidates for Governor in said city at the next preceding gubernatorial election.

The result of such election shall be declared by the municipal officers of the City of Waterville and due certificate thereof shall be filed by the city clerk with the Secretary of State.

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

Effective February 8, 1966

Chapter 514

AN ACT Relating to Insurance on State-owned Property.

Emergency preamble. Whereas, Acts and Resolves of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, insurance on state-owned buildings is important to the people of Maine; and

Whereas, the following legislation is vitally necessary to provide the people of Maine with sound practices in order to prevent any unnecessary losses on state-owned property; 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 R. S., T. 5, §§ 1701 - 1702, repealed. Sections 1701 and 1702 of Title 5 of the Revised Statutes are repealed.

Sec. 2. R. S., T. 5, c. 152, additional. Title 5 of the Revised Statutes is amended by adding a new chapter 152 to read as follows:

CHAPTER 152

INSURANCE ON STATE-OWNED PROPERTY

§ 1711. The Maine Insurance Advisory Board

The Maine Insurance Advisory Board is created, whose duty it shall be to provide advice under this chapter, and which, hereinafter in this chapter, shall be referred to as the "board."

The board shall be composed of 5 members, residents of the State, who shall be appointed by the Governor, as follows: 3 members shall be selected from the public other than representatives of the insurance industry and 2 members shall be selected from representatives of the insurance industry. The initial appointments shall be 2 members for terms of one year each, 2 members for terms of 2 years each, one member for a term of 3 years, and until their successors are duly appointed and qualified. Appointment thereafter shall be for terms of 3 years each and until their successors are duly appointed and qualified. No insurance policy or bond issued to the State shall be placed through any member of the board, his firm or employer during his membership on the board.

§ 1712. Meetings; compensation

The board shall meet at the call of the chairman or at the request of 2 or more members but not less than 4 times per year. Special meetings shall be held at such times as rules and regulations shall provide. Three members of the board shall constitute a quorum of the board. The board shall annually elect a chairman.

The members of the board shall receive as compensation for their services \$20 a day for the time actually spent in the discharge of their duties, and shall be reimbursed for necessary expenses incurred in the discharge of their duties at the same rates as would apply to employees of the State of Maine, subject to appropriations made.

§ 1713. Personnel; selection; duties

The Commissioner of Finance and Administration shall employ an executive secretary who has a comprehensive knowledge of insurance practices and principles and who shall administer the duties imposed by this chapter, with the advice of the board. The executive secretary shall be an employee of the State and his duties and compensation shall be subject to the Personnel Law.

The executive secretary shall assist the board in the discharge of its duties and assist in the preparation of the invitations for bids as authorized by section 1714.

§ 1714. Powers and duties of the board

The board shall provide insurance advice for the State of Maine in the fire and allied lines, casualty, marine, aviation, surety and fidelity fields with the following duties:

1. State experience. Review annually the entire subject of insurance in the aforementioned lines and fields of insurance as they apply to all state property and activities, and report its findings to the Governor.

2. Recommendations. Recommend to the Governor types and limits of coverage, and methods of protection for all state property and activities for the following year.

3. Placement. Place such insurance with companies or agents licensed to do business in the State of Maine to effect the best possible contracts as to services, coverages and costs; such placement customarily shall be made by competitive bidding except that the board may in exceptional circumstances place insurance by negotiation.

The Commissioner of Finance and Administration shall announce the low bid at a meeting advertised for the opening of bids which, when approved by the Governor, shall constitute an award of a contract of insurance.

4. Schedules of state property. Review schedules of values of property in which the State of Maine has an insurable or legal interest and recommend limits of protection for such property.

5. Loss prevention practices. Recommend sound safety engineering and loss prevention practices.

6. Property destroyed. Whenever property has been destroyed, the money paid by the insurance companies on the loss shall, with the approval of the Governor, be made immediately available for replacing the destroyed property.

7. Rules and regulations. The board shall, in accordance with the spirit and intent of the law, make such rules and regulations as may be desirable or necessary for the performance of its duties and for carrying out the purposes of this chapter.

§ 1715. Removal of members; vacancies

The Governor may remove any member of the board for misconduct, incompetency, neglect of duty or for any other sufficient cause.

The Governor shall by appointment fill any vacancies in the membership of the board for the unexpired term.

§ 1716. Records; audit

The board shall keep a record of all its proceedings and expenditures of the board, attested by affidavits of its chairman and secretary.

The board shall have an audit made of its accounts annually covering the last complete fiscal year by the Department of Audit.

The policies for all insurance placed shall be deposited with the Commissioner of Finance and Administration.

§ 1717. Reports

The board shall annually make a report to the Governor of its activities during the year ending the preceding June 30th. The report shall include:

1. Coverage. An evaluation of the state insurance program in terms of adequacy and reasonableness of coverage.
2. Costs. A complete statement of the costs of said program enumerating lines of coverage, as provided to it by the Commissioner of Finance and Administration.
3. Effectiveness. An evaluation of the effectiveness of each portion of the program involving deductibles.
4. Agents of record. Name or names of agent or agents of record.
5. Other matters. Such other matters as the board determines to be appropriate and necessary, within the limitations of the appropriation provided therein.

Each such report shall become a public record.

§ 1718. Reserve Fund for Uninsured Losses

A Reserve Fund for Uninsured Losses to provide a reserve for uninsured losses as a result of deductible insurance coverages and savings resulting from competitive bidding or negotiation is created, which shall, hereinafter in this chapter, be called the "fund."

§ 1719. Payments; amount

Commencing with the fiscal year beginning July 1, 1966 payments to the fund shall come from the biennial appropriations for full coverage fire premiums and shall be in an amount equal to the difference between the full coverage fire premium appropriated for the biennium and a fire insurance deductible coverage plan for the biennium recommended by the Maine Insurance Advisory Board and approved by the Governor and added to any reduction in premium resulting from open competitive bidding on negotiation.

§ 1720. Fund limitations

The fund shall not exceed 15 times the then current deductible amount on public buildings and contents and shall be limited to a total amount of \$250,000.

§ 1721. Administration; uninsured losses

The fund shall be administered by the Commissioner of Finance and Administration subject to the approval of the Governor. The fund shall be a continuing fund and shall not lapse and shall be used only for the payment of uninsured losses as a result of deductible insurance coverages under the state fire insurance program.

§ 1722. Size of deductible

The Governor may increase the size of the then current deductible amount not to exceed \$25,000 for any one occurrence.

§ 1723. Deposit

The fund shall be deposited by the Treasurer of State at the direction of the Governor in any bank or public depository in which general funds of the State may be deposited. All interest earned shall become part of the fund.'

Sec. 3. Appropriation. There is appropriated from the General Fund to the Maine Insurance Advisory Board the sum of \$32,700 to carry out the purposes of this Act. The breakdown of expenditures shall be as follows:

	1965-66	1966-67
MAINE INSURANCE ADVISORY BOARD		
Personal Services	(3) \$4,000	(3) \$17,000
All Other	2,000	8,000
Capital Expenditures	—	1,700
	<hr/> \$6,000	<hr/> \$26,700

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

Approved February 8, 1966