

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and Fourth 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.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1969

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
ONE HUNDRED AND FOURTH LEGISLATURE  
1969

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tion 2 of section 443 of Title 9 of the Revised Statutes is amended to read as follows:

**E.** To receive and repay deposits, to lend and invest the same ~~in the manner and upon the conditions prescribed in chapters 41 to 51~~, to declare dividends ~~in the manner prescribed~~, and to exercise by its board of trustees or duly authorized officers or agents, subject to law, all such powers as are reasonably incidental to the business of a mutual savings bank;

**Sec. 22.** R. S., T. 9, § 472, sub-§ 4, amended. Subsection 4 of section 472 of Title 9 of the Revised Statutes is amended by adding at the end of the first paragraph a new sentence to read as follows:

The record shall include such reporting of transactions between the bank and its individual trustees as the commissioner may prescribe.

Effective October 1, 1969

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## Chapter 402

### AN ACT Amending the Fictitious Grouping and Rate Filing Provisions of the Insurance Code.

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

**Sec. 1.** R. S., T. 24, § 2705, sub-§ 1, amended. The first sentence of subsection 1 of section 2705 of Title 24 of the Revised Statutes is amended to read as follows:

If at any time the commissioner has reason to believe that a filing does not meet the requirements of this subchapter or violates any of the provisions of chapter 25, he shall, after a hearing held upon not less than 10 days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing, issue an order specifying in what respects he finds that such filing fails to meet the requirements of said subchapter, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective.

**Sec. 2.** R. S., T. 24, § 2905, sub-§ 7, ¶ C, amended. Paragraph C of subsection 7 of section 2905 of Title 24 of the Revised Statutes, as enacted by section 1 of chapter 131 of the public laws of 1967, is amended to read as follows:

**C.** No insurer or any person on behalf of any insurer shall make, offer to make or permit any preference or distinction for purposes defined in section 502, subsections 1, 2, 3, 5, 6, 7, 8 and 10 to 21, as to form of policy, certificate, premium, rates, benefits or conditions of insurance, **whether by master policy, individual policies, certificates of insurance or by any other means,**

based upon membership, nonmembership or employment ~~or~~ of any person or persons by or in any ~~particular~~ group, association, corporation ~~or~~, organization or other combination of persons, based upon marketing through groups, associations, corporations, organizations or other combination of persons, or based upon a group or mass merchandising program of any kind, and shall not make the foregoing preference or distinction available in any event based upon any fictitious grouping of persons as defined in this section, such fictitious grouping being defined and declared to be any grouping by other than common majority ownership of the risk to be insured.

**Sec. 3. P. L., 1967, c. 131, § 2, amended.** Section 2 of chapter 131 of the public laws of 1967 is amended to read as follows:

**Sec. 2. Limitation.** This Act shall not apply to any grouping ~~organized~~ placed in effect prior to January 1, 1968.

**Sec. 4. R. S., T. 24-A, § 2172, sub-§§ 1, 2, amended.** Subsections 1 and 2 of section 2172 of Title 24-A of the Revised Statutes, as enacted by section 1 of chapter 132 of the public laws of 1969, are amended to read as follows:

1. No insurer or person on behalf of any insurer shall offer, make or permit any preference or distinction for purposes of any property, casualty or surety insurance coverage, as to form of policy, certificatê, premium, rates, benefits or conditions of insurance, **whether by master policy, individual policies, certificates of insurance or by any other means**, based upon membership, nonmembership, or employment of any person or persons in or by any ~~particular~~ group, association, corporation ~~or~~, organization or other combination of persons, based upon marketing through groups, associations, corporations, organizations or other combination of persons, or based upon a group or mass merchandising program of any kind; and shall not make any such preference or distinction available in any event based upon any fictitious grouping of persons. For the purposes of this section a fictitious grouping is defined as any grouping by other than a common insurable interest as to the subject of the insurance and the risk to be insured.

2. This section shall not apply as to any grouping ~~organized~~ placed in effect prior to January 1, 1968.

**Sec. 5. R. S., T. 24-A, § 2306, sub-§ 1, amended.** Subsection 1 of section 2306 of Title 24-A of the Revised Statutes, as enacted by section 1 of chapter 132 of the public laws of 1969, is amended to read as follows:

1. If at any time the commissioner has reason to believe that a filing does not meet the requirements of this chapter, **or violates any of the provisions of chapter 23**, he shall, after a hearing held upon not less than 10 days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing, issue an order specifying in what respects he finds that such filing fails to meet the requirements of this chapter, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of the order shall be sent to every such insurer and rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

**Sec. 6. R. S., T. 24-A, § 2307, amended.** Section 2307 of Title 24-A of the Revised Statutes, as enacted by section 1 of chapter 132 of the public laws of 1969, is amended to read as follows:

**§ 2307. Limitation of disapproval power**

No manual of classifications, rules, rating plans, or any modification of any of the foregoing which establishes standards for measuring variations in hazards or expense provisions, or both, and which has been filed pursuant to section 2303, shall be disapproved if the rates produced meet the requirements of this chapter and of chapter 23.

**Sec. 7. Effective date.** Sections 4 to 6 of this Act shall become effective January 3, 1970.

Effective October 1, 1969, except sections 4 to 6 shall become effective January 3, 1970

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## Chapter 403

### AN ACT Relating to Hospitalization for Mental Illness of Inmates of County Jails and During the Pendency of Criminal Proceedings.

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

**Sec. 1. R. S., T. 15, § 2211-A, repealed and replaced.** Section 2211-A of Title 15 of the Revised Statutes, as enacted by section 1 of chapter 58 of the public laws of 1965, is repealed and the following enacted in place thereof:

**§ 2211-A. Persons confined in county jail — hospitalization for mental illness**

When the sheriff or keeper of a county jail believes that any person confined in the county jail is mentally ill requiring hospitalization he shall apply, in writing, for the admission of any such person to either state hospital for the mentally ill, giving his reasons therefor. The application shall be accompanied by the certification of a licensed physician that he has examined such person and in his opinion such person is mentally ill and is in need of immediate care and treatment in a mental hospital.

Any such person with respect to whom such application and certification are made may be admitted to either state hospital for the mentally ill. Except as otherwise specifically provided in this section, Title 34, chapter 191, subchapters I and III, except sections 2373 and 2375, shall be applicable to any such person as if the admission of such person were applied for under Title 34, section 2333.

Admission to a hospital under this section shall have no effect upon a sentence then being served; upon an existing commitment on civil process; or upon detention pending any stage of a criminal proceeding in which any such person is the defendant, and the court having jurisdiction shall retain it. Such