

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND McLEARY COMPANY
FARMINGTON, MAINE
1973

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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The right to file such a complaint shall not be denied any person for failure to meet any residency requirement if such person is a member of the Armed Forces of the United States on active duty stationed in Maine or a dependent or spouse of such a member. Such a member shall be deemed to be a resident either of the county in which the military installation or installations or other place at which he has been stationed is located or of the county in which he has sojourned.

Effective October 3, 1973

CHAPTER 480

AN ACT Providing for Interest on Late Payment of Insurance Claims.

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

R. S., T. 24-A, § 2436, additional. Title 24-A of the Revised Statutes as enacted by section 1 of chapter 132 of the public laws of 1969 is amended by adding a new section 2436 to read as follows:

§ 2436. Late payment

Claims made by a named or other person insured thereunder for payment of benefits under a policy of insurance against loss, delivered or issued for delivery within this State, are payable within 60 days of the date that the insurer receives reasonable proof of loss and amount of loss realized. Unless the insurer notifies the insured in writing within 60 days from the receipt of such proof that the fact or amount of loss is disputed, payments of claims are overdue if not paid within said 60 days. If the insurer disputes only part of the claim, the remainder of the claim is overdue if not paid within 60 days of receipt of proof of loss and amount of loss. Any part or all of the disputed part of the claim that is later supported by reasonable proof that is not further disputed is also overdue if not paid within 60 days after such proof is received by the insurer.

If the insurer fails to pay such claims when due, the amount of the claim shall bear interest at the rate of $1\frac{1}{2}\%$ per month after the due date.

A reasonable attorney's fee for advising and representing a claimant on a claim or action for a claim shall be paid by the insurer if overdue benefits are recovered in an action against the insurer or if overdue benefits are paid after receipt of notice of the attorney's representation.

Effective October 3, 1973

CHAPTER 481

AN ACT Establishing Privilege to Refuse Disclosure in a Patient-Psychiatrist Relationship.

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

R. S., T. 16, § 60, additional. Title 16 of the Revised Statutes is amended by adding a new section 60, to read as follows:

§ 60. Psychiatrist and patient

A person has a privilege to refuse to disclose, and prevent a witness from disclosing, a communication between himself and a board certified psychiatrist, if he claims the privilege.

Effective October 3, 1973

CHAPTER 482

AN ACT Relating to Illuminated Advertisements on Motor Vehicles.

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

R. S., T. 29, § 1374, additional. Title 29 of the Revised Statutes is amended by adding a new section 1374 to read as follows:

§ 1374. Advertisements on motor vehicles

No person, firm or corporation shall operate or cause to be operated on public highways and streets any motor vehicle to which is affixed any advertisement as defined in Title 32, section 2712 that is illuminated. This section shall not apply to the illuminated name and telephone number identifications affixed to vehicles used for the conveyance of passengers.

Effective October 3, 1973

CHAPTER 483

AN ACT to Correct Errors and Inconsistencies in the Maine Business Corporation Act.

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

Sec. 1. R. S., T. 13-A, § 102, sub-§ 4, amended. Subsection 4 of section 102 of Title 13-A of the Revised Statutes, as enacted by section 1 of chapter 439 of the public laws of 1971, is amended by adding at the end the following new sentence:

Capital surplus of a corporation means its consolidated capital surplus where the circumstances permit application of the term "consolidated."

Sec. 1-A. R. S., T. 13-A, § 102, sub-§ 6-A, additional. Section 102 of Title 13-A of the Revised Statutes, as enacted by section 1 of chapter 439 of the public laws of 1971, is amended by adding a new subsection 6-A to read as follows:

6-A. "Consolidated" in reference to any type of capital or surplus account of a corporation, applies only when the corporation has one or more subsidiary corporations and means the result obtained, using good accounting