

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
**FIRST REGULAR SESSION**

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ONE HUNDRED AND EIGHTH LEGISLATURE

1977

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the following enacted in its place:

§ 340. Persons under 16 years of age

No licensee shall permit persons under the age of 16 years to take part in a game of chance. No person under the age of 16 years shall sell chances, except in relation to charitable, religious or recognized youth associations.

No person under the age of 18 years shall be licensed under this chapter.

Sec. 13. 17 MRSA § 341, as amended by PL 1975, c. 349, § 2, is repealed and the following enacted in its place:

§ 341. Limits on games of chance

A licensed game of chance shall be limited as to the amount to be gambled for any one chance to 25¢, except that an organization may operate and conduct a game of cards and charge no more than \$1 daily entry fee for participation in a game of cards, provided that no money or valuable thing other than the \$1 daily entry fee is gambled in connection with a game of cards.

Sec. 14. 17 MRSA § 346, as enacted by PL 1973, c. 735, § 3, is repealed and the following enacted in its place:

Any person who violates this chapter or the rules and regulations promulgated hereunder shall be guilty of a Class D crime.

Effective October 24, 1977

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## CHAPTER 351

### AN ACT Concerning the Definition of a General Lines Consultant and a Life Consultant under the Maine Insurance Code.

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

Sec. 1. 24-A MRSA § 1508, sub-§ 1, 1st sentence, as enacted by PL 1969, c. 132, § 1, is amended to read:

A "consultant" is any individual who, as an independent contractor in relation to his client for fee or compensation other than from the insurer or **commission from the insurer**, in any manner advises, or offers or purports to advise, any person actually or prospectively insured, or named or to be named as beneficiary, or having or to have any interest in or insured under any insurance contract or annuity contract, existing or proposed, relative to coverage, advisability, rights or interests under such contract, or relative to the retention, exchange, surrender, exercise of rights or other disposition of such a contract or of rights thereunder.

Sec. 2. 24-A MRSA § 1806, as enacted by PL 1969, c. 132, § 1, is amended to read:

§ 1806. Combined licensing prohibited

A licensed general lines consultant shall not at the same time be licensed as an agent or broker and shall not have a pecuniary interest in any insurance agency or broker.

A licensed life consultant may at the same time be licensed as an agent or broker and may have a pecuniary interest in any insurance agency or broker.

Sec. 3. 24-A MRSA § 1807, sub-§§ 1 and 2, as enacted by PL 1969, c. 132, § 1, are amended to read:

1. A general lines consultant shall not, directly or indirectly, receive or share in any commission or compensation paid, directly or indirectly, by any insurer with respect to any insurance or annuity contract procured, renewed, continued, modified, terminated or otherwise disposed of pursuant to any recommendation given or transaction engaged in by the licensee under his license.

2. If the licensee has received or is to receive any fee, commission or compensation from the insured or proposed insured, or from any other person other than the insurer, directly or indirectly, with respect to any insurance transaction or proposed insurance transaction, or with respect to any insurance or annuity contract existing or proposed, it shall conclusively be presumed that the licensee was acting as a general lines consultant with respect to such transaction or contract; except as provided in section 1807-A.

Sec. 4. 24-A MRSA § 1807-A is enacted to read:

§ 1807-A. Consulting fee

A life consultant may charge a consulting fee and receive commissions for the sale of insurance as an agent or broker if both the consulting fee and the insurance commissions are provided for in a written agreement, in a form approved by the Superintendent of Insurance, signed by the client and the life consultant. A life consultant shall offset his fees against first-year commissions received as agent or broker on the sale of insurance. Such offset shall apply only to those commissions received as a result of services performed under the agreement.

Effective October 24, 1977

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## CHAPTER 352

AN ACT to Delete the Requirement that Appeals to Superior Court from a Municipal Board of Appeals must be Trial De Novo (Trial Anew).