

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.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
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Applicants for a license of this classification shall present evidence of at least one year's practical experience to the board, or a certificate of course completion of a course of at least 1,000 hours of instruction approved by the Department of Educational and Cultural Services, completed at a Maine vocational-technical institute, a Maine vocational region or a Maine regional vocational-technical center.

Sec. 4. 32 MRSA § 2303, 1st sentence, as repealed and replaced by PL 1973, c. 384, is amended to read:

No oil burning equipment of whatever type shall hereafter be installed in this State unless it ~~conforms to the standards adopted by the board~~ is approved by the board and installed in accordance with the standards adopted by the board.

Sec. 5. 32 MRSA § 2353, as repealed and replaced by PL 1973, c. 384, is amended by adding at the end 2 new sentences to read:

The board may establish fees and charges necessary for covering the costs incurred for approving and testing equipment. The manufacturer or his representative shall be required to pay all fees and charges established by the board.

Sec. 6. 32 MRSA § 2403, 1st sentence, as repealed and replaced by PL 1973, c. 384, is amended to read:

Applicants for a master or journeyman's oil burner license shall present to the ~~chairman~~ executive secretary of the board a written application for examination, containing such information as the board may require, accompanied by a fee of \$5.

Effective October 24, 1977

CHAPTER 357

AN ACT to Clarify the Provision Relating to Late Payment of Insurance Claims.

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

24-A MRSA § 2436, as last amended by PL 1975, c. 321, is repealed and the following enacted in its place:

§ 2436. Late payment

A claim for payment of benefits under a policy of insurance against loss delivered or issued for delivery within this State is payable within 30 days after proof of loss is received by the insurer and ascertainment of the loss is made either by written agreement between the insurer and the insured or

by filing with the insured of an award by arbitrators as provided for in the policy, and a claim which is neither disputed nor paid within 30 days is overdue; provided, however, that if during the 30 days the insurer, in writing, notifies the insured that reasonable additional information is required, the undisputed claim shall not be overdue until 30 days following receipt by the insurer of the additional required information.

An insurer may dispute a claim by furnishing to the insured, or his representative, a written statement that the claim is disputed with a statement of the grounds upon which it is disputed.

If an insurer fails to pay an undisputed claim, or any undisputed part thereof when due, the amount of the overdue claim or part thereof 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 an overdue claim or action for an overdue 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.

Nothing in this section shall prohibit or limit any claim or action for a claim the claimant shall have against the insurer.
claims.

Effective October 24, 1977

CHAPTER 358

AN ACT Relating to Special Education Tuition and Board.

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

Whereas, the experiences of the past year have demonstrated that it is impossible to project accurately the number of students needing special education programs which require tuition and board expenditures; and

Whereas, based on the experience of the past year, it is impossible to project the number of state wards or the number of students who are voluntarily committed to the state's custody, who are in need of special education tuition and board placement; and

Whereas, based on the experience of the past year, it is impossible to project the number of students moving into Maine who are in need of special education programs; 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,