

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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

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or indirectly, receive or share in any commission or compensation paid, directly or indirectly, by any insurer with respect to any property or casualty insurance procured, renewed, continued, modified, terminated or otherwise disposed of pursuant to any recommendation given or transaction engaged in by the licensee for which a license is required by this subchapter unless the procurement, renewal, continuance, modification, termination or other disposal, or obligation to do the same, occurs at least 12 months before or after the period of employment as a consultant as specified in the contract required by section 1807.

2. 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. The offset shall apply only to those commissions received as a result of services performed under the agreement.

§ 1809. Obligation to serve interest of client

A consultant is obligated, under his license, to serve with objectivity and complete loyalty the interests of his client alone; and to render his client such information, counsel and service as within the knowledge, understanding and opinion in good faith of the licensee will best serve the client's insurance or annuity needs and interests.

§ 1810. Nonresident consultants; service of process

Section 1617, service of process, shall also apply to nonresidents of this State licensed as consultants by this State.

Effective September 14, 1979

CHAPTER 342

H. P. 1066 — L. D. 1320

AN ACT to Clarify the Tax Law by Providing that a Retailer's Sale of Equipment Used in its Business is Taxable if it is Like Equipment Sold in the Ordinary Course of Business.

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

36 MRSA § 1752, sub-§ 11, as last amended by PL 1977, c. 477, § 9, is further amended by adding after the 4th sentence a new sentence to read:

The sale by a registered retailer of tangible personal property, which that retailer has used in the course of his or its business, is not a casual sale and is a retail sale subject to taxation under this Part, if that property is of a like character to that sold in the ordinary course of repeated and successive transactions.

Effective September 14, 1979

CHAPTER 343

H. P. 1092 — L. D. 1375

AN ACT Relating to Criminal Appeals and Search Warrants.

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

Sec. 1. 15 MRSA § 55, as repealed and replaced by PL 1965, c. 356, § 18, is repealed and the following enacted in its place:

§ 55. Search warrants; issuance by district judge or complaint justice

A judge of the District Court or a complaint justice shall issue search warrants for any place in the State for such purposes as the Constitution of the United States and the Constitution of Maine permit. The evidence presented to the magistrate in support of the search warrant may consist of affidavits and other evidence under oath or affirmation which is capable of being reduced to a record for purposes of review. The Supreme Judicial Court shall by rule provide the procedure of the application for and issuance of search warrants; provided, that where no procedure is specified, the judge or complaint justice shall proceed in any reasonable manner which will allow the issuance of a search warrant for any constitutional purpose.

Sec. 2. 15 MRSA § 2115-A, as last amended by PL 1977, c. 564, § 74, is repealed and the following enacted in its place:

§ 2115-A. Appeals by the State

1. Appeals prior to trial. An appeal may be taken by the State in criminal cases on questions of law from the District Court and from the Superior Court to the Supreme Judicial Court: from an order of the court prior to trial which suppresses any evidence, including, but not limited to, physical or identification evidence or evidence of a confession or admission; from an order which prevents the prosecution from obtaining evidence; from a pretrial dismissal of an indictment, information or complaint; or from any other order of the court prior to trial which, either under the particular circumstances of the case or generally for the type of order in question, has a reasonable likelihood of causing either serious impairment to or termination of the prosecution.