

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.

Kennebec Journal
Augusta, Maine
1979

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to review the superintendent's determination. The commissioner shall review the superintendent's determination and issue a decision. His decision shall be final and binding upon all parties.

C. A child who has been placed by a state agency, licensed child-placing agency, parent or legal guardian in a non-family foster home located in a unit which is not his legal residence, shall be eligible to attend school in the unit where he is placed if:

(1) The state-placing agency, licensed child-placing agency, parent or legal guardian provides the receiving unit with satisfactory evidence that funds sufficient to cover the cost of educating the child will be paid to the receiving unit in the year of allocation; and

(2) The unit has approved the acceptance of tuition students in accordance with this Title.

D. Federal installations are considered a part of the school administrative unit or units in which they are located, and the children residing on the installations with their parents or legal guardian, or admitted under paragraphs A to C, shall be counted as resident pupils of the administrative unit or units.

E. This subsection shall not supersede the rights of students to attend school in an administrative unit pursuant to sections 1292; 966, subsection 2, paragraph A; 912; and chapter 404 and the rules adopted by the department pursuant thereto.

Sec. 2. 20 MRSA § 966, sub-§ 2 ¶ A, sub-¶ (1) is enacted to read:

(1) If the parents or guardians of pupils are aggrieved by the decisions of the superintendents of schools or the school agents, then they may request the commissioner to review the decisions. The commissioner shall review the decisions and determine whether the pupil or pupils shall be transferred. His determination shall be final and binding upon each administrative unit.

Effective September 14, 1979

CHAPTER 347

H. P. 170 — L. D. 221

AN ACT to Prohibit Cancellation of Automobile or Property Insurance without Actual Notice to the Insured.

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

PUBLIC LAWS, 1979

Sec. 1. 24-A MRSA § 2914, sub-§ 1, as enacted by PL 1973, c. 339, § 1, is amended to read:

1. Nonpayment of premium. **No notice of cancellation for nonpayment of premium shall be effective unless deemed received under section 2915 after the premium due date:**

Sec. 2. 24-A MRSA § 2914, 4th paragraph, as repealed and replaced by PL 1977, c. 403, § 2, is amended to read:

This section shall not apply to any policy or coverage which has been in effect less than 60 days at the time notice of cancellation is ~~mailed or delivered~~ **received** by the ~~insurer~~ **named insured** nor shall section 2920 apply to any policy or coverage that has been in effect less than 60 days.

Sec. 3. 24-A MRSA § 2915, first paragraph, as enacted by PL 1973, c. 339, § 1, is amended to read:

No notice of cancellation of a policy shall be effective unless ~~mailed or delivered~~ **received** by the ~~insurer~~ **to the named insured** at least 20 days prior to the effective date of cancellation, or, where the cancellation is for nonpayment of premium, at least 10 days prior to the date of cancellation. In the event the policy is an automobile physical damage policy, like notice of cancellation shall also be given to any other person mentioned in the loss payable clause. A post-office department certificate of mailing to the named insured at ~~the~~ **his last known** address ~~shown in the policy~~ shall be **conclusive** proof of receipt of such ~~mailing~~ **on the 3rd calendar day after mailing.**

Sec. 4. 24-A MRSA § 2915, 2nd paragraph, as repealed and replaced by PL 1977, c. 403, § 3, is repealed and the following enacted in its place:

Except for a policy which has been in effect for less than 60 days at the time notice of cancellation is received by the named insured, the reason for cancellation shall accompany the notice, together with a notice of the right to apply for a hearing before the Superintendent of Insurance within 30 days, as provided in section 2920.

Sec. 5. 24-A MRSA § 2917, first paragraph, as enacted by PL 1973, c. 339, § 1, is amended to read:

No insurer shall fail to renew a policy except by notice to the insured as provided in this subchapter. A notice of intention not to renew shall not be effective unless ~~mailed or delivered~~ **received** by the ~~insurer~~ **to the named insured** at least 30 days prior to the expiration date of the policy. A post-office department certificate of mailing to the named insured at ~~the~~ **his last known** address ~~shown in the policy~~ shall be **conclusive** proof of receipt of such ~~mailing~~ **on the 3rd calendar day after mailing.**

Sec. 6. 24-A MRSA § 2917, 2nd paragraph, last sentence, as enacted by PL 1977, c. 597, is amended to read:

A notice of a right to apply for a hearing before the Superintendent of Insurance within ~~45~~ **30** days as provided herein shall accompany the notice of intent not to renew.

Sec. 7. 24-A MRSA § 2920, first sentence, as amended by PL 1973, c. 585, § 12, is further amended to read:

Any named insured who has received a statement of reason for cancellation, or of reason for an insurer's intent not to renew a policy, may, within ~~45~~ **30** days of the receipt ~~or delivery~~ of a statement of reason, request a hearing before the ~~Insurance~~ **Superintendent of Insurance**.

Sec. 8. 24-A MRSA § 3049, sub-§ 1, as enacted by PL 1973, c. 239, is amended to read:

1. Nonpayment of premium, including nonpayment of any additional premiums, calculated in accordance with the current rating manual of the insurer, justified by a physical change in the insured property or a change in its occupancy or use. **No notice of cancellation for nonpayment of premium shall be effective unless deemed received under section 3050 after the premium due date:**

Sec. 9. 24-A MRSA § 3049, 2nd paragraph, first sentence, as amended by PL 1977, c. 414, § 1, is further amended to read:

This section shall not apply to any policy or coverage which has been in effect less than 60 days at the time notice of cancellation is ~~mailed or delivered~~ **received** by the ~~insurer~~ **named insured** unless it is a renewal policy.

Sec. 10. 24-A MRSA § 3050, first paragraph, as enacted by PL 1973, c. 239, is amended to read:

No notice of cancellation of a policy shall be effective unless ~~mailed or delivered~~ **received** by the ~~insurer~~ **named insured** at least 20 days prior to the effective date of cancellation, or, where the cancellation is for nonpayment of premium, at least 10 days prior to the date of cancellation. A post-office department certificate of mailing to the named insured at ~~the~~ **his last known** address ~~shown in the policy~~ shall be **conclusive** proof of receipt ~~of such mailing~~ **on the 3rd calendar day after mailing**.

Sec. 11. 24-A MRSA § 3050, 2nd paragraph, as repealed and replaced by PL 1977, c. 414, § 3, is repealed and the following enacted in its place:

Except for a policy which has been in effect for less than 60 days at the time notice of cancellation is received by the named insured, the reason for cancellation shall accompany the notice, together with a notice of the right to

apply for a hearing before the Superintendent of Insurance within 30 days, as provided in section 3054.

Sec. 12. 24-A MRSA § 3051, first paragraph, as amended by PL 1977, c. 414, § 4, is further amended to read:

No insurer shall fail to renew a policy except by notice to the insured as provided in this subchapter. A notice of intention not to renew shall not be effective unless ~~mailed or delivered~~ **received** by the insurer to the named insured at least 30 days prior to the expiration date of the policy. A post-office department certificate of mailing to the named insured at ~~the~~ **his last known** address ~~shown in the policy~~ shall be **conclusive** proof of receipt of such mailing **on the 3rd calendar day after mailing**. The reason shall accompany the notice of intent not to renew, together with notification of the right to apply for a hearing before the Superintendent of Insurance within ~~45~~ **30** days as provided.

Sec. 13. 24-A MRSA § 3054, first sentence, as amended by PL 1973, c. 585, § 12, is further amended to read:

Any named insured who has received a statement of reason for cancellation, or of reason for an insurer's intent not to renew a policy, may, within ~~45~~ **30** days of the receipt ~~or delivery~~ of a statement of reason, request a hearing before the ~~Insurance~~ Superintendent of Insurance.

Effective September 14, 1979

CHAPTER 348

S. P. 406 — L. D. 1245

AN ACT to Amend the Law with Regard to the Diagnostic Laboratory of the Department of Human Services.

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

Sec. 1. 22 MRSA § 562, 2nd ¶, first and 2nd sentences, as amended by PL 1975, c. 771, § 214, are repealed and the following enacted in their place:

The department shall annually establish a schedule of charges for services rendered by the diagnostic laboratory based upon the average costs for those services. The establishment of that schedule is deemed to be rule making and is subject to the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 2. 22 MRSA § 562, 3rd ¶, as enacted by PL 1975, c. 618, is amended to read: