

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

purchaser or lender takes title free of rights of any interested person in the estate and incurs no personal liability to the estate, or to any interested person, whether or not the distribution was proper or supported by court order or the authority of the personal representative was terminated before execution of the instrument or deed. This section protects a purchaser from or lender to a distributee who, as personal representative, has executed a deed of distribution to himself, as well as a purchaser from or lender to any other distributee or his transferee. To be protected under this provision, a purchaser or lender need not inquire whether a personal representative acted properly in making the distribution in kind, even if the personal representative and the distributee are the same person, or whether the authority of the personal representative had terminated before the distribution. Any recorded instrument described in this section on which the register of deeds notes by an appropriate stamp "Maine Real Estate Transfer Tax Paid" shall be prima facie evidence that the transfer was made for value.

Effective September 23, 1983.

CHAPTER 442

S.P. 589 - L.D. 1707

AN ACT to Amend the Investment Provisions
and Certain Related Sections of the
Maine Insurance Code.

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

Sec. 1. 24-A MRSA §1103, sub-§1, as enacted by PL 1969, c. 132, §1, is amended to read:

1. No security or investment, other than real and personal property acquired under section 1125 (real estate), shall be eligible for acquisition unless it is interest bearing or interest accruing or entitled to dividends, if declared, or is otherwise income-entitled, is not then in default in any respect, and the insurer is entitled to receive for its exclusive account and benefit the interest or income accruing thereon.

Notwithstanding this subsection, nothing in this chapter may be deemed to prohibit an insurer from

effecting or maintaining bona fide hedging transactions in foreign currency in connection with the purchase and sale of securities eligible for investment under this chapter or in contracts for future delivery of options, calls and other rights to purchase and puts and other rights to require another person to purchase, securities eligible for investment under this chapter, provided that those contracts, options, calls, puts and rights are traded on a national securities exchange or board of trade regulated under the laws of the United States and provided that the aggregate amount of those investments, as valued for all purposes in accordance with generally accepted accounting principles, shall not exceed 1% of the insurer's assets. For purposes of this subsection, a "bona fide hedging transaction" means a purchase or sale of foreign currency or of a contract, option, call, put or right, as the case may be, entered into for the purchase of offsetting changes in foreign currency exchange rates or in the market value of a security held or proposed to be acquired by the insurer.

Sec. 2. 24-A MRSA §1105, sub-§2, ¶ C, as enacted by PL 1969, c. 132, §1, is amended to read:

C. 1115 (stocks of subsidiaries) as to subsidiary insurance corporations (determined on the basis of cost); and

Sec. 3. 24-A MRSA §1105, sub-§5, as amended by PL 1969, c. 177, §20, is further amended to read:

5. Notwithstanding any other provision, an insurer may invest in the aggregate an amount, determined on the basis of cost, not in excess of 50% of its surplus as to policyholders in all investments eligible under section 1115 (stocks of subsidiaries).

Effective September 23, 1983.

CHAPTER 443

H.P. 1253 - L.D. 1666

AN ACT to Permit Expedited Processing
of Petitions for A Certificate of Public
Convenience and Necessity.

Emergency preamble. Whereas, Acts of the Legis-