

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

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J.S. McCarthy Co., Inc.
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1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

CHAPTER 366

S.P. 583 - L.D. 1532

AN ACT Defining the Authority of the Bureau
of Insurance in Testing, Licensing and
Continuing Education.

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

Sec. 1. 24-A MRSA §1515, as amended by PL 1973, c. 585, §12, is further amended to read:

§1515. Licensing forms

The superintendent shall prescribe, consistent with the applicable requirements of this chapter, and furnish all printed forms required under this chapter in connection with application for and issuance of licenses, ~~examinations for licenses,~~ and for appointment and termination of appointments of agents. The superintendent or an independent testing service designated by the superintendent shall prescribe and furnish all printed forms required in connection with examinations for license.

Sec. 2. 24-A MRSA §1520, sub-§1, as amended by PL 1973, c. 585, §12, is further amended to read:

1. After the applicant's completion and filing of application with the superintendent as required by section 1518, the superintendent shall ~~subject~~ require each applicant for license as agent, broker, consultant or adjuster, unless exempted therefrom under section 1521, to take a written examination as to his competence to act as such agent, broker, consultant or adjuster. The applicant shall appear at a time and place designated by the superintendent and take a written examination prepared and administered by the superintendent, or an independent testing service designated by the superintendent, under the direction of the superintendent, who shall fix a passing grade, which in his judgment, indicates the applicant's ability to perform his duties in a satisfactory manner under the license for which he has applied. The superintendent shall determine or approve any charges to be paid by or on behalf of applicants for the services of any independent testing service designated by the superintendent.

Sec. 3. 24-A MRSA §1522, sub-§3, as amended by PL 1973, c. 585, §12, is further amended to read:

3. The superintendent or his designee shall prepare and make available to applicants printed information as to the general scope of, and particular subjects to be covered by, the examination for a particular license, together with information as to published books and other reference sources which may be studied by the applicant in preparation for the examination.

Sec. 4. 24-A MRSA §1523, sub-§§1, 4 and 6, as amended by PL 1973, c. 585, §12, are further amended to read:

1. All examinations of license applicants shall be conducted by the superintendent, or his designee using examinations prepared by him approved by the superintendent.

4. The superintendent shall ~~give, conduct and grade all examinations~~ ensure that all examinations are given, conducted and graded in a fair and impartial manner and without unfair discrimination as between individuals examined.

6. Within 30 days after the examination, the superintendent or his designee shall inform the applicant and the appointing insurer as to whether or not he has passed.

Sec. 5. 24-A MRSA §1524, sub-§1, as enacted by PL 1969, c. 132, §1, is amended to read:

1. An applicant who fails to take an examination within 90 days after ~~filing application therefor~~ notification to do so by the superintendent shall forfeit both his application and the fee paid in connection therewith.

Sec. 6. 24-A MRSA §1524, sub-§2, as enacted by PL 1969, c. 132, §1, is amended to read:

2. An applicant who has failed to pass the first examination for the license applied for may take a ~~second 2nd~~ second 2nd examination after a ~~one-week waiting period,~~ and without paying a new examination application fee if the ~~second 2nd~~ second 2nd examination is taken within 6 months after the first examination. An examination fee may be charged for each examination taken by an applicant.

Sec. 7. 24-A MRSA §1524, sub-§3, as amended by PL 1973, c. 585, §12, is further amended to read:

3. An applicant who has failed to pass ~~the first~~ 2 examinations for the license applied for within the

2-year period immediately prior to application for examination shall not be permitted by the superintendent to take a 3rd or subsequent examination until expiration of 6 3 months after the last previous examination. Except as provided in subsection 2, the applicant shall pay a new examination application fee with respect to each examination after the first examination for the license applied for.

Sec. 8. 24-A MRSA §1525, sub-§1, as amended by PL 1983, c. 812, §149, is further amended to read:

1. The superintendent shall appoint 2 advisory boards, as authorized and established by Title 5, section 12004, subsection 10, to make recommendations to him with respect to the scope, type and conduct of written examinations for license, the times and places within the State where examinations shall be held, and with respect to the other matters referred to in this section and in section 1526. He shall appoint one board with respect to general lines agent licensing, to be referred to as the "General Lines Agent Examination Advisory Board;" he shall appoint the other such board with respect to life agent licensing, to be referred to as the "Life Agent Examination Advisory Board."

Sec. 9. 24-A MRSA §1532-A, sub-§§7 and 8, as enacted by PL 1983, c. 419, §8, are amended to read:

7. An agent license, other than an initial license, shall continue in force until 12:01 a.m. on April 1st next following issuance of the biennium for which it was issued, unless prior thereto it has been suspended, revoked or otherwise terminated, while there is in effect as to the license, as shown by the superintendent's records, an appointment or appointments as agent of authorized insurers covering collectively all the kinds of insurance included in the agent's license. Upon termination of all the licensee's agency appointments, as to a particular kind of insurance, and failure to replace those appointments within 60 days thereafter, the license shall thereupon expire and terminates as to those kinds of insurance and the licensee shall promptly deliver his license to the superintendent for reissuance, without fee or charge as to these kinds of insurance, if any, covered by the remaining agency appointments. Upon termination of all the licensee's agent appointments, the license shall immediately terminate.

8. Each agent license, other than an initial license, issued under this Title which terminates on

its ~~expiry~~ expiration date, shall be automatically renewed for a further ~~one-year~~ 2-year period, unless, following a hearing, the superintendent determines that any reason or condition exists which is specified in section 1539 for the suspension or revocation of a license.

Sec. 10. 24-A MRSA §1532-A, last ¶, as enacted by PL 1983, c. 419, §8, is amended to read:

As a ~~condition~~ condition of or in connection with the renewal of any agent license, the superintendent may require the licensee to file with him information as for application for the license, or as to the use made of the license during the current or next preceding license year term. The superintendent shall forward to each licensee, whose agents license is automatically renewed, a notice of renewal.

Sec. 11. 24-A MRSA §1606, sub-§2, as amended by PL 1973, c. 585, §12, is further amended to read:

2. The bond shall remain in force until released by the superintendent, or until cancelled by the surety. Without prejudice to liability previously incurred thereunder, the surety may cancel the bond upon 30 days' advance written notice to both the broker and the superintendent. Upon cancellation by the surety and failure of the broker to procure a satisfactory replacement bond prior to cancellation, the broker's license shall terminate.

Sec. 12. 24-A MRSA §1805, sub-§3, as repealed and replaced by PL 1979, c. 341, is amended to read:

3. The bond shall remain in force until released by the superintendent or until cancelled by the surety. Without prejudice to any liability previously incurred thereunder, the surety may cancel the bond upon 30 days advance written notice to the licensee and the superintendent. Upon cancellation by the surety and failure to procure a satisfactory replacement bond prior to cancellation, the consultant's license shall terminate.

Sec. 13. 24-A MRSA §1854, sub-§3, as amended by PL 1973, c. 585, §12, is further amended to read:

3. The bond shall remain in force until the surety is released from liability by the superintendent or until cancelled by the surety. Without prejudice to any prior liability accrued, the surety may cancel the bond upon 30 days' advance written notice to the licensee and the superintendent. Upon cancel-

lation by the surety and failure of the adjuster to procure a satisfactory replacement bond prior to cancellation, the adjuster's license shall terminate.

Effective September 19, 1985.

CHAPTER 367

H.P. 300 - L.D. 389

AN ACT to Establish a Kennebec County Budget Advisory Committee.

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

30 MRSA c. 10 is enacted to read:

CHAPTER 10

KENNEBEC COUNTY BUDGET ADVISORY COMMITTEE

§1401. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. County commissioners. "County commissioners" means the elected county commissioners of Kennebec County.

2. Municipal officers. "Municipal officers" means the mayor, aldermen or councilors of a city, the selectmen or councilors of a town and the assessors of a plantation located in Kennebec County.

§1402. Kennebec County Budget Advisory Committee

In Kennebec County, there is established the Kennebec County Budget Advisory Committee to carry out the purposes of this chapter. This chapter applies only to Kennebec County.

1. Membership. The budget advisory committee shall consist of 9 members, 3 members from each commissioner district to be appointed by the county commissioners. The term of each member of the budget advisory committee shall be for 2 years.