

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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

36 MRSA §1760, sub-§65 is enacted to read:

65. Sales to monasteries and convents. Sales of items for use in the operation and maintenance of an incorporated nonprofit monastery or convent. For the purpose of this subsection, "monastery" and "convent" means the dwelling place of a community of religious persons.

See title page for effective date.

## CHAPTER 29

H.P. 79 - L.D. 110

### An Act to Clarify the Blueberry Tax Laws

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

Sec. 1. 36 MRSA §4302, sub-§2 is amended to read:

2. Processor. "Processor" ~~shall mean~~ means any person, firm, partnership, association or corporation engaged in the fresh packing, canning, freezing or dehydrating of blueberries whether as owner, agent or otherwise.

Sec. 2. 36 MRSA §4303, as amended by PL 1983, c. 836, §3, is further amended to read:

#### §4303. Rate of tax

There is levied and imposed a tax at the rate of 1/2¢ per pound of fresh fruit on all fresh blueberries grown, purchased, sold, handled or processed in this State. The tax shall be computed on a fresh fruit basis, regardless of how the blueberries are processed.

Sec. 3. 36 MRSA §4303-A, as amended by PL 1983, c. 836, §4, is further amended to read:

#### §4303-A. Additional tax

There is levied and imposed an additional tax at the rate of 1/2¢ per pound of fresh fruit on all fresh blueberries grown, purchased, sold, handled or processed in this State. The tax shall be computed on a fresh fruit basis, regardless of how the berries are processed, and shall be neither deducted from the purchase price nor collected from the seller under section 4306.

Sec. 4. 36 MRSA §4312-A, as amended by PL 1977, c. 533, §7, is repealed.

See title page for effective date.

## CHAPTER 30

H.P. 122 - L.D. 159

### An Act to Increase the Membership of the Emergency Enhanced 9-1-1 Telephone Advisory Committee

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

Whereas, the Maine Revised Statutes, Title 25, section 2925, establishes an E-9-1-1 Advisory Committee to advise and assist the Department of Public Safety in the development of a statewide enhanced 9-1-1 emergency telephone system; and

Whereas, emergency medical systems are an integral part of the public safety network within the State; and

Whereas, representation by the emergency medical services community on the E-9-1-1 Advisory Committee would be beneficial to the work of that committee; and

Whereas, Title 25, section 2925 does not now specifically provide for the representation of the emergency medical services profession on the E-9-1-1 Advisory Committee; and

Whereas, the work of the E-9-1-1 Advisory Committee was due to start on January 1, 1989 and is bound by a strict timetable for its implementation; 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,

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

25 MRSA §2925, sub-§§1 and 2, as enacted by PL 1987, c. 840, §3, are amended to read:

1. **Membership.** The E-9-1-1 Advisory Committee shall be composed of ~~44~~ 13 members; one appointed by the Public Utilities Commission; one appointed by the Commissioner of Public Safety; and ~~9~~ 11 appointed by the Governor, including one who is a municipal official, one who is a chief of a municipal police department, one who is the chief of a municipal fire department, one who is a county sheriff, one who represents small telephone companies, one who represents the largest provider of local exchange telephone services, one who represents a direct provider of emergency medical services, one dispatcher and 3 to represent the public-at-large.

2. **Terms of office.** The members appointed by the Public Utilities Commission and the department shall serve at the pleasure of the appointing authority. The remaining members shall serve terms of 3 years, except that, of the

initial 9 11 members appointed by the Governor, 3 4 shall be appointed for terms of 3 years, 3 4 for terms of 2 years and 3 for terms of one year. A vacancy shall be filled by the appointing authority to complete the term of the appointee who vacated the office.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 5, 1989.

**CHAPTER 31**

**H.P. 217 - L.D. 297**

**An Act to Require Insurance Agents, Brokers and Consultants to Participate in Continuing Professional Education**

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

**Sec. 1. 5 MRSA §12004-I, sub-§70-A** is enacted to read:

<u>70-A.Occupations:</u>	<u>Continuing</u>	<u>Expenses</u>	<u>24-A MRSA</u>
<u>Insurance</u>	<u>Education</u>	<u>Only</u>	<u>§1876</u>
	<u>Advisory</u>		
	<u>Committee</u>		

**Sec. 2. 24-A MRSA §1532-A, sub-§5**, as enacted by PL 1983, c. 419, §8, is amended to read:

5. Any broker, consultant or adjuster may apply to renew a license issued under this chapter by written request and payment to the superintendent of the applicable renewal fee as stated in section 601. As a condition of or in connection with the renewal of any broker, consultant or adjuster license, the superintendent may require the licensee to file with ~~him~~ the superintendent information ~~as for~~ regarding application for the license or ~~as to~~ the use made of the license during the current or next preceding license year.

Upon the filing of the information required by this subsection and subject to continuing education requirements established under subchapter VI, the superintendent shall issue a renewal license for the ensuing biennium, 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. 3. 24-A MRSA §1532-A, sub-§8**, as amended by PL 1985, c. 366, §9, is further amended to read:

8. Each agent license, other than an initial license, issued under this Title which terminates on its expiration date, shall, subject to the continuing education requirements under subchapter VI, be automatically renewed for a further 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. 4. 24-A MRSA c. 17, sub-c. VI** is enacted to read:

**SUBCHAPTER VI**

**CONTINUING EDUCATIONAL REQUIREMENTS FOR LICENSED AGENTS, BROKERS AND CONSULTANTS**

**§1875. Applicability**

1. This subchapter applies to licensed resident agents, brokers and consultants with respect to the following kinds of insurance:

A. Life insurance;

B. Annuities;

C. Property insurance;

D. Surety insurance; and

E. Casualty insurance.

2. This subchapter shall not apply to persons holding only resident limited licenses under section 1531.

**§1876. Continuing Education Advisory Committee**

The Continuing Education Advisory Committee is established and shall consist of 6 members to be appointed by the superintendent for terms of 3 years each, on a staggered term system to prevent the terms of more than 2 members from expiring in any one year. No person is eligible for appointment to the committee unless that person is an active, full-time insurance agent, broker or consultant.

**§1877. Educational requirements**

As a prerequisite to renewal on or after July 1, 1992 of any license subject to this subchapter, licensees must complete 30 hours of continuing education within 2 years prior to the date of renewal in programs or courses approved by the superintendent. The superintendent may, for good cause shown, grant an extension of time to any person to allow that person to comply with this subchapter.

**§1878. Program approval**

1. Each application for approval of a continuing education program shall be submitted according to the guidelines prescribed by the superintendent.

2. Courses and programs shall be approved or disapproved by the superintendent, subject to prior review and nonbinding recommendations of the Continuing Education Advisory Committee. The superintendent may, by rule, establish criteria for the review and approval of courses and for the determination of the number of continuing education