

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.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1989

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

hours to be credited for completion of each course or program.

§1879. Penalty

The license of any agent, broker or consultant who fails to comply with this subchapter shall not be renewed and shall terminate upon the biennial expiration date.

§1880. Rule-making authority

The superintendent may establish by rule reasonable procedures and standards to fulfill the purposes of this subchapter.

See title page for effective date.

CHAPTER 32

S.P. 74 - L.D. 64

An Act to Clarify the Law Authorizing the Use of Warning Devices on Department of Corrections' Vehicles

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

Sec. 1. 29 MRSA §946, as amended by PL 1987, c. 644, §4, is further amended to read:

§946. Police and fire vehicles

Police, fire department, forest fire control vehicles and ambulance vehicles, when operated in response to calls, or when a police officer is in pursuit of a motor vehicle operator for which ~~he~~ the police officer has probable cause to believe that the operator has committed or is in the process of committing a violation of law, and vehicles of the Department of Corrections making use of a blue light ~~or~~ and a siren shall have the right-of-way. On the approach of any such vehicle, from any direction, and when such vehicle is sounding a siren and emitting a flashing light, the driver of every other vehicle shall immediately draw ~~his~~ that driver's vehicle as near as practicable to the right-hand curb and parallel thereto, clear of any intersection, and bring it to a standstill until such public service vehicles have passed.

Sec. 2. 29 MRSA §1362, 2nd ¶, as enacted by PL 1987, c. 644, §7, is amended to read:

No signaling device may be unnecessarily sounded nor any braking or acceleration unnecessarily made so as to cause a harsh, objectionable or unreasonable noise. No bell or siren may be installed or used on any motor vehicle, except that fire and police department vehicles and ambulances and vehicles operated by state, city and town fire inspectors, city and town fire chiefs, assistant fire chiefs, police chiefs and assistant police chiefs may be so equipped for use only when responding to emergency calls; motor vehicles used by forest rangers or personnel engaged in forest fire control as may be

designated by the Department of Conservation; motor vehicles used by sheriffs and deputy sheriffs; motor vehicles used by inland fisheries and game wardens as may be designated by the Department of Inland Fisheries and Wildlife; motor vehicles used by coastal wardens as may be designated by the Department of Marine Resources; motor vehicles used by United States Government law enforcement officials; motor vehicles used by a state or municipal department which controls or supervises electrical alarm and communication systems may be so equipped for use as provided by law; and motor vehicles used by corrections personnel as may be designated by the Department of Corrections may be so equipped for use only when responding to ~~prison~~ committed offender escapes or performing high-security transfers of committed offenders.

See title page for effective date.

CHAPTER 33

S.P. 108 - L.D. 163

An Act to Grant Rulemaking Authority to the Maine Arts Commission

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

27 MRSA §409 is enacted to read:

§409. Rules

The Maine Arts Commission may adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, to implement this chapter.

See title page for effective date.

CHAPTER 34

S.P. 87 - L.D. 89

An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Prior Owners of Boarding and Nursing Homes

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

Whereas, it is necessary to begin recovery of debts from prior owners of boarding and nursing homes immediately, in order to save Medicaid funds; 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