

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
FIRST REGULAR SESSION

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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

Sec. 2. 21-A MRSA §337, sub-§2, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. Only a registered voter residing in the electoral division of the candidate concerned may file a challenge. The challenge must be in writing and must set forth the reasons for the challenge. The challenge must be filed in the office of the Secretary of State before 5 p.m. on the 5th business day after the final date for filing petitions under section 335, subsection 8.

Sec. 3. 21-A MRSA §355, sub-§3, as enacted by PL 1987, c. 214, §2, is amended to read:

3. **Residence declared.** The consent must contain a declaration of the candidate's place of residence ~~which the~~ and the fact that the candidate has not been enrolled in a party for 3 months prior to the filing date for the nomination petition. The candidate must verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the declaration is true. If any part of the declaration is found to be false by the Secretary of State ~~prior to the date of~~ before the general election, the consent and the nomination petition are void, pursuant to challenge procedures in section 356.

A. Candidates for the office of county charter commission need not verify by oath or affirmation that they are not enrolled in a party.

Sec. 4. 21-A MRSA §356, sub-§2, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. Only a registered voter residing in the electoral division of the candidate concerned may file a challenge. The challenge must be in writing and must set forth the reasons for the challenge. The challenge must be filed in the office of the Secretary of State by 5 p.m. on the 5th business day after the final date for filing petitions under section 354, subsection 8.

Sec. 5. 21-A MRSA §752, sub-§1, ¶A, as amended by PL 1987, c. 188, §14, is further amended to read:

A. At least 90 days before the election to which they pertain, the Secretary of State shall furnish each municipality with a reasonable number of blank absentee ballots for use ~~of~~ by members of the Armed Forces and citizens outside the United States who have met the qualifications in section 751. These ballots shall be similar to regular ballots, except that no candidate names may be printed. The Secretary of State shall prepare a ballot listing all offices to be selected with a space after each office to write in the voter's preference. The following instructions must be printed in bold type at the top of the ballot: **YOU MAY VOTE FOR A PERSON BY PLACING WRITING IN THAT PERSON'S NAME AND MUNICIPALITY OF RESIDENCE IN THE BLANK SPACE UNDER THE PROPER OFFICE.**

Sec. 6. 21-A MRSA §803, as enacted by PL 1985, c. 161, §6, is amended to read:

§803. Duties of Governor

As soon as possible after the presidential electors are chosen, the Governor shall send a certificate of the determination of the electors to the ~~administrator of general services~~ Archivist of the United States under the state seal. The certificate shall state the names of the electors and the number of votes which each received. The Governor shall deliver 6 ~~original duplicates of the same certificate~~ certificates under the state seal to the electors on or before the first Monday after the 2nd Wednesday of December, following their election.

Sec. 7. 21-A MRSA §805, sub-§4, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 8. 21-A MRSA §805, sub-§4-A is enacted to read:

4-A. Certificates sent immediately. The presidential electors shall send immediately by registered mail one certificate to the President of the Senate of the United States and 2 certificates to the Archivist of the United States in Washington, D.C. The presidential electors shall deliver 2 certificates to the Secretary of State, who shall hold one of them subject to the order of the President of the Senate of the United States and shall retain the other for public inspection for one year. The presidential electors shall deliver one certificate to the Chief Judge of the United States District Court for the District of Maine.

Sec. 9. 21-A MRSA §805, sub-§5, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 10. 21-A MRSA §1017, sub-§6, as enacted by PL 1985, c. 161, §6, is amended to read:

6. **Forms.** Reports required by this section must be on forms prescribed ~~by the commission, prepared by the Secretary of State and sent by the commission, prepared and sent by the commission~~ to the candidate at least 7 days before the filing date for the report. Persons filing reports may use additional pages if necessary, but the pages must be the same size as the pages of the form. Although the commission mails the forms for required reports, failure to receive forms by mail does not excuse committees, candidates and other persons who must file reports from otherwise obtaining the forms.

See title page for effective date.

CHAPTER 167

H.P. 316 - L.D. 432

An Act to Improve the Accountability and Allocation of Funds for Community-purchased Services

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

Sec. 1. **22 MRSA §3, 2nd ¶**, as enacted by PL 1987, c. 349, Pt. H, §12, is repealed and the following enacted in its place:

1. Report. The Department of Human Services shall prepare an annual report on all services contracted with community providers. The department shall deliver its report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 31st of each year. The report shall include:

A. A listing, by community agency, of all funds received from the State and a summary of the purposes for which those funds were expended;

B. A summary of the most recent year's allocations of all funds by bureau or office, service area, region and, if available, county;

C. An evaluation of additional funding needed to equalize funding among all regions by individual service areas, presented in prioritized order;

D. The department's assessment, by individual service area, of the outstanding service needs of the State. The assessment shall identify the funding source projected by the department to be available for the expansion of service, presented in prioritized order; and

E. Recommendations for changes in funding resulting from the department's planning and evaluation system presented in the following order of priority: greatest service need within existing funding scheme; equalization of regional funding with each service area; and new or outstanding needs.

Sec. 2. **34-B MRSA §1208, sub-§5**, as enacted by PL 1987, c. 349, Pt. H, §19, is repealed and the following enacted in its place:

5. Annual report. The Department of Mental Health and Mental Retardation shall prepare an annual report on all services contracted with community providers. The department shall deliver its report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 31st of each year. The report shall include:

A. A listing, by community agency, of all funds received from the State and a summary of the purposes for which those funds were expended;

B. A summary of the most recent year's allocations of all funds by bureau or office, service area, region and, if available, county;

C. An evaluation of additional funding needed to equalize funding among all regions by individual service areas, presented in prioritized order;

D. The department's assessment, by individual service area, of the outstanding service needs of the State. The assessment shall identify the funding source projected by the department to be available for the expansion of service, presented in prioritized order; and

E. Recommendations for changes in funding resulting from the department's planning and evaluation system presented in the following order of priority: greatest service need within existing funding scheme; equalization of regional funding with each service area; and new or outstanding needs.

See title page for effective date.

CHAPTER 168

S.P. 53 - L.D. 28

An Act Relating to the Licensing of Insurance Agents, Brokers and Adjusters

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

Sec. 1. **5 MRSA §12004-I, sub-§72-A** is enacted to read:

<u>72-A. Occupations:</u>	<u>Adjuster License</u>	<u>Expenses</u>	<u>24-A MRSA</u>
<u>Insurance</u>	<u>Advisory Board</u>	<u>Only</u>	<u>§1525</u>

Sec. 2. **24-A MRSA §426**, as enacted by PL 1969, c. 132, §1, is repealed.

Sec. 3. **24-A MRSA §427**, as amended by PL 1987, c. 481, §1, is repealed.

Sec. 4. **24-A MRSA §1509**, as amended by PL 1973, c. 585, §12, is repealed and the following enacted in its place:

§1509. "Adjuster" defined

An adjuster is any person who, as an independent contractor or as an employee of an independent contractor, adjustment bureau, association, managing general agent, insurer or other firm for fee, commission or other compensation, investigate and settles on behalf of and reports to an insurer, workers' compensation self-insurer or insured relative to claims arising under the workers' compensation laws, insurance contracts or annuity contracts. The definition of adjuster does not include and a license as an adjuster shall not be required of:

1. Attorneys at law admitted to practice in this State;

2. Salaried employees of insurers who are authorized to settle and pay claims within a specified limit established by the insurer not to exceed \$2,500;