

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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1989

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Sec. 20. 24-A MRSA §1611, as amended by PL 1973, c. 585, §12, is repealed.

Sec. 21. 24-A MRSA §1612, as enacted by PL 1969, c. 132, §1, is repealed.

Sec. 22. 24-A MRSA §1616, sub-§2, as amended by PL 1973, c. 585, §12, is further amended to read:

2. The superintendent may waive the taking of a written examination by the nonresident applicant for such a license, if a similar privilege is extended by the other state or province to Maine residents and if ~~he~~ the superintendent finds that the applicant has already met qualification requirements and standards in the applicant's domiciliary state or province which are substantially as high as those applicable under this chapter to Maine residents applying for a similar license. Any nonresident agent or broker licensed under this section who becomes a resident and applies for licensing status as a resident is subject to the State-specific portion of the license examination.

Sec. 23. 24-A MRSA §1619, as amended by PL 1975, c. 159, §4, is repealed.

Sec. 24. 24-A MRSA §1674, as amended by PL 1975, c. 159, §5, is repealed.

Sec. 25. 24-A MRSA §1680, sub-§4 is enacted to read:

4. Any nonresident agent or broker licensed under this section who becomes a resident and applies for licensing status as a resident is subject to the State-specific portion of the license examination.

Sec. 26. 24-A MRSA §1853, first ¶, as amended by PL 1973, c. 585, §12, is further amended to read:

For the protection of the people of this State, the superintendent shall not issue, continue or permit to exist any license as an adjuster or limited license as a workers' compensation, property insurance or casualty insurance adjuster, except in compliance with this chapter; or, as to any individual not qualified ~~therefor~~, as follows:

Sec. 27. 24-A MRSA §1853, sub-§3, as enacted by PL 1969, c. 132, §1, is further amended to read:

3. Must pass any written examination required for the license under this chapter; except that with respect to adjusters employed by insurers and persons acting as public adjusters in this State as of September 1, 1989, this subsection will not apply until July 1, 1991;

Sec. 28. 24-A MRSA §1854, sub-§4, as amended by PL 1973, c. 585, §12, is further amended to read:

4. No bond may be required with respect to an adjuster who is an employee of an insurer. The superintendent may waive the requirement of a separate bond as to a licensee employed or to be employed by a licensed firm or corporation adjuster which has posted with the superintendent a general bond covering all such licensees in such aggregate liability amount in excess of \$10,000 as the superintendent deems reasonable.

Sec. 29. 39 MRSA §23, sub-§8-A is enacted to read:

8-A. Qualifications for claims personnel. Persons who investigate, settle or negotiate the settlement of claims on behalf of self-insurers or employees of self-insurers shall be required to be licensed as insurance adjusters pursuant to Title 24-A, chapter 17, subchapters I and IV.

Sec. 30. Allocation. The following funds are allocated from Other Special Revenue Fund to carry out the purposes of this Act.

	1989-90	1990-91
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Bureau of Insurance		
All Other	\$1,500	\$1,500
Provides funds for the expenses of members of the Adjusters License Advisory Board.		
See title page for effective date.		

CHAPTER 169

H.P. 651 - L.D. 885

An Act Concerning The Passamaquoddy Tribal Court

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

Sec. 1. 30 MRSA §6209, sub-§1, ¶A, as amended by PL 1987, c. 756, §§1 and 2, is further amended to read:

A. Criminal offenses against a person or property for which the maximum potential term of imprisonment does not exceed 6 months and the maximum potential fine does not exceed \$500 and which are committed on the Indian reservation of the respective tribe or nation by a member of either tribe or nation against another member of either tribe or nation or against the property of another member of either tribe or nation.

(1) The Penobscot Nation shall also have the right to exercise exclusive jurisdiction separate and distinct from the State over criminal offenses against a person or property for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and which are committed on the Penobscot Indian Reservation by a member of the Penobscot Nation against another member of the Penobscot Nation or against the property of another member of the Penobscot Nation.

(a) This subparagraph is repealed on September 30, 1995. Before that date, the Penobscot Nation and the Department of the Attorney General may each submit written reports to the joint standing committee of the Legislature having jurisdiction over judiciary concerning the effect of this subparagraph;

(2) The Passamaquoddy Tribe shall have the right to exercise exclusive jurisdiction separate and distinct from the State over criminal offenses against a person or property for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and which are committed on the Passamaquoddy Indian Reservation by a member of the Passamaquoddy Tribe against another member of the Passamaquoddy Tribe or against the property of another member of the Passamaquoddy Tribe.

(a) This subparagraph is repealed on September 30, 1995. Before that date, the Passamaquoddy Tribe and the Department of the Attorney General may each submit written reports to the joint standing committee of the Legislature having jurisdiction over judiciary concerning the effect of this subparagraph;

Sec. 2. Effective date; certification. This Act shall take effect October 1, 1990, provided that this Act shall not be effective unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Governor and Council of the Passamaquoddy Tribe that the Tribe has agreed to the provisions of this Act pursuant to the Maine Indian Claims Settlement Act of 1980, United States Public Law 96-420, copies of which shall be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives.

Effective October 1, 1990, unless otherwise indicated.

CHAPTER 170

H.P. 433 - L.D. 598

An Act Concerning Game Wardens' Authority to Stop and Search Vehicles

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

12 MRSA §7053, sub-§2, ¶D, as enacted by PL 1979, c. 420, §1, is repealed.

See title page for effective date.

CHAPTER 171

S.P. 440 - L.D. 1193

An Act Relating to Historic and Archaeological Preservation

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

Sec. 1. 27 MRSA §373-A, sub-§3-A is enacted to read:

3-A. Landowner. "Landowner" means any person, corporation, partnership, organization or other legal entity, including a municipality, county or other political subdivision of the State, an agency of the Federal Government and any quasi-governmental entity, which owns or controls a site.

Sec. 2. 27 MRSA §375, sub-§§2 and 3, as enacted by PL 1981, c. 55, §7, are amended to read:

2. Penalty. Violation of this chapter is a civil violation for which a forfeiture of not less than \$50 nor more than \$1,000 shall be adjudged. The unlawful excavation for any one day shall constitute a separate violation. The Director of the Maine Historic Preservation Commission, in the name of the people of this State through the Attorney General, may in addition to other remedies provided bring an action or for an injunction to restrain a violation of this chapter or to enjoin future unlawful excavation, seeking one or more of the following remedies:

A. To restrain a violation of this chapter;

B. To enjoin future unlawful excavation; or

C. To direct the violator to restore the site to the condition that existed prior to the unlawful excavation or to ameliorate the effects of the unlawful excavation.

3. Prosecution. The Attorney General, upon receiving notification of a violation of this section from the Director of the Maine Historic Preservation Commission, is authorized to file a complaint against the person named in the