

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

lines for which the superintendent has reasonable cause to believe that competition may not be an effective regulator of rates for the purpose of determining the level of competition among insurers providing those lines and the availability of insurance within those lines.

2. Review of specific lines of insurance. In the superintendent's determination of the specific lines of insurance to be reviewed pursuant to subsection 1, the superintendent shall consider:

A. The number of insurers actually writing insurance within the line;

B. The extent and nature of rate differentials among insurers within the line;

C. The respective market share of insurers actually writing insurance within the line and changes in that market share over previous years;

D. The ease of entry into the line by insurers not currently writing such line;

E. The degree to which rates within the line are established by rating service organizations;

F. The extent to which insurers licensed to write the line have sought to obtain new business within the line within the past year;

G. Whether a pattern of excessive rates exists within the line in relation to losses, expenses and investment income; and

H. Any other factors the superintendent considers relevant to the determination of whether competition is an effective regulator of rates within the line.

3. Report required. The superintendent shall submit a report or reports on those lines of insurance which the superintendent has specified as lines for which competition may not be an effective regulator of rates. The report shall include recommendations to provide a more competitive atmosphere. The report or reports shall be submitted annually in 1990 and 1991 and biennially thereafter to:

A. The joint standing committee of the Legislature having jurisdiction over banking and insurance;

B. The Governor; and

C. The Department of the Attorney General.

4. Rules authorized. The superintendent shall promulgate the rules necessary to carry out this section.

Sec. 2. 24-A MRSA §2328, as amended by PL 1973, c. 585, §12, is further amended by adding at the end a new paragraph to read:

If the examination of a rating organization is satisfied by acceptance of another state's report on that rating organi-

zation, the superintendent shall submit a report to the joint standing committee of the Legislature having jurisdiction over banking and insurance concerning the superintendent's analysis of that report, any deficiencies noted by the superintendent or in the other state's report and what action has been taken to correct those deficiencies.

Sec. 3. Allocation. The following funds are allocated from the Insurance Regulatory Fund to carry out the purposes of this Act.

	1989-90	1990-91
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Bureau of Insurance		
Positions	(1)	(1)
Personal Services	\$30,500	\$32,100
All Other	20,000	
Capital	2,500	
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION		
TOTAL	\$53,000	\$32,100

See title page for effective date.

CHAPTER 357

S.P. 251 - L.D. 641

An Act to Implement Civil Penalties for Passing Worthless Instruments

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

14 MRSA c. 712 is enacted to read:

CHAPTER 712

CIVIL LIABILITY FOR BAD CHECKS

§6071. Civil penalties for bad checks

1. Recovery of costs. In any action against a person who makes, issues or draws any check, draft or order for the payment of money which has been dishonored for lack of funds or credit to pay the check, draft or order, or because the maker, issuer or drawer has no account with the drawee, the holder may recover from the maker, issuer or drawer the amount of the check, draft or order, plus the court costs, service costs, collection costs and processing charges incurred by the holder. The amount of the check, draft or order, plus the enumerated costs, may be recovered only if:

A. The holder gives notice pursuant to section 6073 for payment of the check, draft or order; and

B. The maker, issuer or drawer fails to tender an amount equal to the amount of the check, draft or order, plus bank fees and mailing costs within 10 days of receiving the notice set forth in section 6073.

2. Failure to make restitution. If a judgment is made against a maker, issuer or drawer pursuant to subsection 1, paragraphs A and B and that person fails to make restitution on the date of judgment, the maker, issuer or drawer shall pay to the holder interest at the rate of 12% per annum from the date of dishonor and collection costs not to exceed \$40 or the face amount of the check, whichever is less. In the event of court action, the court after notice and the expiration of the 10 days, shall award reasonable attorney's fees.

3. Written agreement. Nothing in this chapter may be construed to limit the rights of parties to a written agreement.

§6072. Satisfaction of claim

1. Satisfaction of claim. Subsequent to the commencement of the action but prior to the hearing, the defendant may tender to the plaintiff, as satisfaction of the claim, an amount of money equal to the amount of the check, draft or order; a reasonable handling fee; accrued interest; processing charges; collection costs equal to the face amount of the check, draft or order not to exceed \$40; and the incurred court and service costs.

2. Small claims action. An action under this section may be brought as a small claims action if the amount claimed does not exceed the jurisdictional limits for small claims action or may be brought in any other court that has jurisdiction.

§6073. Notice for nonpayment

The notice shall be in substantially the following form.

"A check, draft or order by you and made payable to in the amount of has not been accepted for payment by which is the drawee bank designated on your check. The check is dated and it is numbered"

You are CAUTIONED that unless you pay the amount of this check within 10 days after the date this letter is postmarked, you may have to pay the following additional costs:

- 1. Attorney fees;
- 2. Services costs;
- 3. Processing charges; and
- 4. Interest.

You are advised to make payment to at the following address"

See title page for effective date.

CHAPTER 358

S.P. 314 - L.D. 819

An Act to Provide Public Access to Records and Proceedings of Local and County Government Associations

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

Sec. 1. 1 MRSA §402, sub-§2, ¶B, as repealed and replaced by PL 1987, c. 20, §1, is amended to read:

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Vocational-Technical Institute System and any of its committees and subcommittees; and

Sec. 2. 1 MRSA §402, sub-§2, ¶C, as amended by PL 1987, c. 477, §1, is further amended to read:

C. Any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision; and

Sec. 3. 1 MRSA §402, sub-§2, ¶D is enacted to read:

D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities.

Sec. 4. 1 MRSA §402, sub-§3, as amended by PL 1987, c. 402, Pt. A, §1, is further amended to read:

3. Public records. The term "public records" shall ~~mean~~ mean any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental