

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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

Sec. 1. 24-A MRSA §2908, sub-§8, as amended by PL 1987, c. 559, Pt. A, §5, is further amended to read:

8. This section does not apply to any insurance policy that has not been previously renewed if the policy has been in effect less than 60 days at the time notice of cancellation is mailed or otherwise delivered, except as provided in subsection 1, paragraph A and subsection 5, paragraphs A and C. This section does not apply to any policy subject to the Maine Automobile Insurance Cancellation Control Act, subchapter II. This section does not apply to any assigned risk program. The superintendent may suspend, in whole or in part, the applicability of this section to any insurer if, in ~~his~~ the superintendent's discretion, its application will endanger the ability of the insurer to fulfill its contractual obligations.

Sec. 2. 24-A MRSA §3007, sub-§8, as enacted by PL 1985, c. 671, §2, is amended to read:

8. This notice does not apply to any insurance policy that has not been previously renewed if the policy has been in effect less than 60 days at the time notice of cancellation is mailed or otherwise delivered, except as provided in subsection 1, paragraph A and subsection 5, paragraphs A and C. This section does not apply to any policy subject to the Maine Property Insurance Cancellation Control Act, subchapter V. This section does not apply to any policy issued pursuant to any assigned risk plan. The superintendent may suspend, in whole or in part, the applicability of this section to any insurer if, in ~~his~~ the superintendent's discretion, its application will endanger the ability of the insurer to fulfill its contractual obligation.

See title page for effective date.

CHAPTER 26

S.P. 105 - L.D. 202

An Act to Improve the Enforcement of the Maine Insurance Code

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

24-A MRSA §220, as amended by PL 1973, c. 585, §12, is repealed and the following enacted in its place:

§220. Investigation of violations

1. Discretionary investigations. In addition to examinations and investigations expressly authorized, the superintendent may conduct investigations of insurance matters as the superintendent considers proper upon reasonable cause to determine whether any person has

violated any provision of this Title or to secure information useful in the lawful administration of any such provision. The cost of these investigations must be borne by the State.

2. Response to inquiries. All insurers and other persons required to be licensed pursuant to this Title shall respond to all lawful inquiries of the superintendent that relate to resolution of consumer complaints involving the licensee within 14 days of receipt of the inquiry and to all other lawful inquiries of the superintendent within 30 days of receipt. If a substantive response can not in good faith be provided within the time period, the person required to respond shall so advise the superintendent and provide the reason for the inability to respond.

See title page for effective date.

CHAPTER 27

S.P. 135 - L.D. 273

An Act Regarding the Collection of Fines

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

34-A MRSA §5404, sub-§5, ¶B, as enacted by PL 1983, c. 459, §6, is amended to read:

B. The officer shall pay the fines collected to the appropriate ~~county treasurer or clerk of courts~~ by the 15th day of the month following collection.

See title page for effective date.

CHAPTER 28

H.P. 105 - L.D. 148

An Act to Amend the Law Concerning Failure to Wear a Flotation Device

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

Whereas, the requirement that persons wear flotation devices on the Saco River saves lives during the winter months; and

Whereas, the section of the Saco River between Hiram Dam and the Atlantic Ocean is the most dangerous section of the river and the section above the Hiram Dam is less dangerous; and

Whereas, enforcement on the river of the flotation requirement is difficult; and

Whereas, limiting the flotation device requirement to the section below the Hiram Dam will allow enforcement to be more effective and therefore may save lives; 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:

12 MRSA §7801, sub-§16, 1C, as enacted by PL 1989, c. 469, §3, is amended to read:

C. Fails to wear a ~~Coast Guard~~ Coast Guard approved Type I, Type II, or Type III personal flotation device while canoeing or kayaking on the Saco River between Hiram Dam and the Atlantic Ocean between January 1st and June 1st.

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

Effective April 9, 1991.

CHAPTER 29

H.P. 118 - L.D. 163

An Act to Amend the Shellfish Licensing Laws

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

Whereas, without emergency enactment, this legislation will not take effect before the next shellfish fishing season; 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:

12 MRSA §6671, sub-§9, as amended by PL 1985, c. 737, Pt. A, §29, is repealed and the following enacted in its place:

9. Penalty. Notwithstanding Title 17-A, section 4-B, a person who takes or possesses shellfish in violation of a municipal ordinance adopted under this section

commits a crime punishable by a fine of not less than \$100 and not more than \$1,000, except that:

A. For taking shellfish from a closed area or for digging shellfish without a license, the fine may not be less than \$500 and not more \$1,500; and

B. A fine for a violation of article 5 must be as provided by section 6681.

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

Effective April 9, 1991.

CHAPTER 30

H.P. 151 - L.D. 236

An Act to Amend the Definition of a Street Rod

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

29 MRSA §1, sub-§15-C-1, as enacted by PL 1979, c. 607, §1, is amended to read:

15-C-1. Street rod. "Street rod" means a replica of or a modified antique auto manufactured prior to 1949 and which that complies with the standards promulgated by the Chief of the State Police.

See title page for effective date.

CHAPTER 31

S.P. 132 - L.D. 234

An Act to Delay the Minimum Lobster Gauge Increases

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

Whereas, the state minimum lobster size was increased as of January 1, 1991; and

Whereas, the viability of the Maine lobster industry is dependent upon the biological health and economic sustainability of the American lobster fisheries management area; and

Whereas, the American lobster fisheries management area extends along the eastern seaboard of the United States and includes territorial waters of this State and 8 other states and waters within the exclusive economic zone of the United States; and