

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**FIRST REGULAR SESSION**

**of the**

**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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A. The agent is subject to suspension or revocation of license under section 1539;

B. The agency fails to pay money due the company;

C. There is a sale or a merging of the agency;

D. There is an insolvency or bankruptcy of the agency;

E. The agent holds a limited license under section 1531, subsection 1; or

F. The agent is an employee of an insurer or the agent by contractual agreement represents only one insurer or group of affiliated insurers, if the property rights in the renewal are owned by the insurer or group of affiliated insurers. Cancellation or termination of the agent's contract under this paragraph may not result in the cancellation or nonrenewal of the policies.

The list of appointments not being continued under section 1534 constitutes notice to the superintendent of the terminations listed. The superintendent may require of the insurer reasonable proof that the insurer has given notice to the agent.

**Sec. 2.** 24-A MRSA §1535, sub-§3 is enacted to read:

3. The termination of an agent appointment under this section does not affect the rights of insureds pursuant to chapters 39 and 41.

See title page for effective date.

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## CHAPTER 113

H.P. 516 - L.D. 744

### An Act to Enable Retail Stores to Bottle and Sell Water on the Premises

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

**22 MRSA §2613, sub-§3** is enacted to read:

3. Exemption for water distillers in retail stores. A retail store that distills and bottles water from a public water system and sells the water on the premises is exempt from state water rules except:

A. The distiller must be inspected annually by the Department of Agriculture, Food and Rural Resources; and

B. A bacteriological sample of the distilled water must be submitted to the Department of Human Services at least every 3 months. If the distiller has a one-year history of no coliform bacteria contamination, the

Department of Human Services may reduce the frequency of sampling to one sample per year.

See title page for effective date.

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## CHAPTER 114

H.P. 501 - L.D. 695

### An Act to Amend the Uniform Fraudulent Transfer Act

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

**14 MRSA §3578, sub-§1, ¶C**, as enacted by PL 1985, c. 641, §3, is amended to read:

C. Subject to applicable principles of equity and in accordance with applicable civil rules of procedure:

(1) An injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property;

(2) Appointment of a receiver to take charge of the asset transferred or of other property of the transferee; or

(3) Damages in an amount not to exceed double the value of the property transferred or concealed; or

(~~3~~) (4) Any other relief the circumstances may require.

See title page for effective date.

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## CHAPTER 115

H.P. 444 - L.D. 634

### An Act to Exempt Municipal Vehicles from Overweight Penalties

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

**Sec. 1. 29 MRSA §1657** is enacted to read:

#### **§1657. Exemptions**

1. Emergency maintenance vehicle. Any vehicle engaged in emergency maintenance of a public way is exempt from the weight limits imposed by this chapter.

2. Fire-fighting vehicle. Any fire-fighting vehicle with its proper equipment that meets the National Fire Protection Association standards is exempt from the gross axle weight limits imposed by this chapter.

3. Snowplow. Any vehicle once modified for the purposes of snowplowing is exempt from the weight limits imposed by this chapter when equipped with a snowplow and wing or wings and engaged in snowplowing or ice control. At all other times, the vehicles described in this subsection are exempt from section 1652, subsection 2, paragraph C.

**Sec. 2. 29 MRSA §1757**, as enacted by PL 1987, c. 169, is repealed.

See title page for effective date.

## CHAPTER 116

H.P. 708 - L.D. 1013

### An Act to Amend the Qualification of Blueberry Producers Associations in the Maine Agriculture Marketing and Bargaining Act of 1973

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

**13 MRSA §1957, sub-§3, ¶D**, as amended by PL 1987, c. 155, §7, is further amended to read:

D. The association, ~~except for an association of blueberry producers~~, represents 51% of the producers or produced at least 1/2 of the volume of a particular agricultural product for a specific handler involved with those producers and that agricultural product during the previous 12 months, not including any volume produced by the handler, its subsidiaries, agents or employees or procured by the handler from sources other than producers; for the purposes of this article, members of farmer cooperatives ~~shall be~~ are counted as individual farmer members; ~~in the case of an association of blueberry producers, the association represents 51% of the producers and produced at least 1/2 of the volume of a particular agricultural product for a specific handler involved with those producers and that agricultural product during the previous 12 months~~; if the board has reasonable cause to question such representation, the board shall require a secret ballot election to certify the percentage of representation; and

See title page for effective date.

## CHAPTER 117

S.P. 227 - L.D. 581

### An Act to Require Each Person Licensed for the Practice of Funeral Service to Participate in Continuing Professional Education

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

**Sec. 1. 32 MRSA §1506** is enacted to read:

#### §1506. Educational requirements

**1. Applicability.** This section applies to all persons licensed for the practice of funeral service in accordance with section 1501.

**2. Requirements.** As a prerequisite to renewal on or after January 1, 1993 of any license subject to this subchapter, licensees must complete 12 hours of continuing education within 2 years prior to the date of renewal in programs or courses approved by the board. The board may, for good cause shown, grant an extension of time to any person to allow that person to comply with this subchapter.

**3. Program approval.** Each application for approval of a continuing education program must be submitted according to the guidelines prescribed by the board. The board may establish by rule 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.

**4. Penalties.** The license for the practice of funeral service of any person who fails to comply with this section may not be renewed and terminates upon the next expiration date.

**5. Rulemaking authority.** The board may establish by rule reasonable procedures and standards to fulfill the purposes of this section.

**Sec. 2. Report.** By January 1, 1992, the State Board of Funeral Service shall make a report to the Joint Standing Committee on Business Legislation that includes the following information relative to the educational requirements of the Maine Revised Statutes, Title 32, section 1506:

1. The courses to be required, their justification relative to maintaining the skills required for the safe practice of the profession, and whether there will be any requirement for self-assessment as a means of determining the courses required for an individual practitioner;

2. Any examinations that might be proposed to assess the success of the required educational program;

3. The criteria to be used in reviewing and approving continuing education programs;

4. The percentage of the course requirements that can be taught by correspondence courses and by closed-circuit television, the percentage that will require an actual classroom presence and the current and planned arrangements for closed-circuit television and for classroom instruction in various sections of the State; and

5. The costs of this program to the State and the board and the direct and indirect costs to the individual practitioner.