

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**6. Designation.** Persons certified under this section may hold themselves out as school psychological service providers or may use any business name incorporating variations of that title but may not hold themselves out as psychologists, psychological examiners or any business name incorporating variations of those titles unless they are appropriately licensed under Title 32, chapter 56.

**7. Advisory committee.** There is established within the department, in accordance with Title 5, section 12004-I, the Advisory Committee on School Psychological Service Providers, referred to in this subsection as "the committee."

A. The duties of the committee are:

(1) To advise the state board in the adoption of rules and a code of ethics and practice standards for school psychological service providers; and

(2) To assist the commissioner in:

(i) Certifying school psychological service providers;

(ii) Investigating alleged violations of the code of ethics and practice standards adopted by the state board; and

(iii) Investigating alleged violations of section 13020 and certification rules governing school psychological service providers.

B. The committee consists of 9 members appointed by the commissioner. The membership consists of 2 certified psychological service providers, 2 licensed psychologists, one faculty member from a graduate program in school psychology, one educator from a public school or approved private school and 3 parents or guardians of students.

C. Three members of the committee must be initially appointed for a term of one year, 3 for a term of 2 years and 3 for a term of 3 years. All appointments must be for a term of 3 years thereafter. Any member may serve beyond the expiration date of that member's term until a successor has been appointed and qualified. Any vacancy on the committee must be filled for the unexpired portion of the term. The committee shall elect its own chair.

D. Members of the committee are entitled to receive compensation according to the provisions of Title 5, chapter 379.

**8. Transition.** Persons certified as school psychologists and school psychological examiners on the effective

date of this section may continue to provide the services authorized by their respective certificates until the scheduled expiration of those certificates. The state board's rules must contain a schedule affording all certified school psychologists and school psychological examiners a reasonable amount of time to meet the requirements of the certificate authorized by subsection 2.

**Sec. 3. 32 MRSA §3840**, as amended by PL 1989, c. 700, Pt. A, §148, is repealed.

See title page for effective date.

## CHAPTER 208

S.P. 354 - L.D. 1068

### An Act to Regulate Credit Insurance and to Require Disclosure to Borrowers

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

**Sec. 1. 24-A MRSA §2169**, as amended by PL 1983, c. 394, §5, is further amended to read:

#### §2169. Notice of free choice of agent or insurer

Every debtor, borrower or purchaser of property with respect to which insurance of any kind on the property is required in connection with a debt or loan secured by that property or in connection with the sale of that property ~~shall~~ **must** be informed by the creditor or lender at the time of application for the loan or at the outset of negotiations regarding the loan or sale of his that person's right of free choice in the selection of the agent and insurer through or by which the insurance is to be placed. There shall be no interference. Another person may not interfere either directly or indirectly with the borrower's, debtor's or purchaser's free choice of an agent and of an insurer which that complies with the requirements set out in section 2168, and the creditor or lender shall may not refuse an adequate policy so tendered by the borrower, debtor or purchaser. For purposes of this section, the term "policy" includes, but is not limited to, any temporary contract or binder, by whatever name known, under the terms of which insurance coverage commences at a specified time, and continues until a finished policy is issued or the risk is declined and coverage is terminated. Upon notice of any refusal of this tendered policy, the superintendent shall order the creditor or lender to accept the tendered policy, if he the superintendent determines that the refusal is not in accordance with the requirements set out in section 2168. Failure to comply with such an order of the superintendent shall be deemed is a violation of this section.

**Sec. 2. 24-A MRSA §2170, sub-§2**, as enacted by PL 1969, c. 132, §1, is amended to read:

2. This section ~~shall~~ does not prohibit fees paid to a lender for handling or processing credit accident and health or credit life insurance not exceeding 10% of prima facie premiums as set forth by rules adopted by the superintendent.

**Sec. 3. 24-A MRSA §2860-A** is enacted to read:

**§2860-A. Commissions**

A commission not exceeding 5% of credit life and health insurance premiums may be paid to any creditor who is a licensed credit insurance agent. This section does not prohibit fees paid to a lender for handling or processing credit life or health insurance not exceeding 10% of prima facie premiums as set forth by rules adopted by the superintendent.

See title page for effective date.

**CHAPTER 209**

**S.P. 290 - L.D. 860**

**An Act to Amend the Workers' Compensation Laws for Workers in Certain Marine Resources Industries**

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

**Sec. 1. 39-A MRSA §102, sub-§3**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

**3. Aquaculture.** "Aquaculture" means the commercial culture or husbandry of oysters, clams, scallops, mussels, salmon or trout, production of cultured fish, shellfish, seaweed or other marine plants for human and animal consumption, including:

A. All cultivating activities occurring at hatcheries or nurseries, from the egg, larval or spore stages to the transfer of the product to a growing site; and

B. All cultivating activities occurring on water, from the receipt of fish, shellfish, seaweed or other marine plants from onshore facilities to the delivery of harvested products to onshore facilities for processing.

See title page for effective date.

**CHAPTER 210**

**H.P. 584 - L.D. 788**

**An Act to Prevent Unauthorized Use of the Name Passamaquoddy**

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

**Sec. 1. 31 MRSA §6-A** is enacted to read:

**§6-A. Use of "Passamaquoddy" prohibited**

A person or persons, partnership, corporation or other entity engaged in any business or activities may not adopt a name that contains the word "Passamaquoddy" or use the word "Passamaquoddy" in connection with goods manufactured or sold or services provided after December 31, 1993 without written authorization from the Passamaquoddy Tribe.

**1. Extent of authorization.** Unless greater authority is expressly granted by the Passamaquoddy Tribe, no authorization extends to a business, activity, product or service not disclosed to the Passamaquoddy Tribe at the time of the request for authorization. Authorization is revocable unless by its terms it is irrevocable.

**2. Deceptive trade practices.** Violation of this section is a deceptive trade practice and unlawful under Title 10, chapter 206.

**3. Exemptions.** The following are exempted from the provisions of this section:

A. The use of the words "Passamaquoddy Bay":

(1) As part of a trade name of an entity or sole proprietorship; or

(2) In connection with goods manufactured or sold or services provided; and

B. Use of the word "Passamaquoddy" by a person who was using it prior to the effective date of this Act:

(1) As part of a specific trade name of an entity or sole proprietorship; or

(2) In connection with specific goods or specific services provided.

The exemption in this paragraph does not extend to the use of the word "Passamaquoddy" as part of any trade name not in use prior to the effective date of this Act or in connection with any specific goods or services not being sold prior to the effective date of this Act.

**Sec. 2. Retroactivity.** This Act applies retroactively to January 1, 1993.

See title page for effective date.