

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**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**

may be convened at the call of the ~~chairman~~ chair or 4 of the board members. At the first meeting in each calendar year, the 6 appointive members shall choose one appointive member to act as ~~chairman~~ chair. A quorum of the board ~~shall consist~~ consists of not less than 4 members. The board shall keep correct records of all its proceedings ~~and~~; may adopt, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, ~~such rules as it shall deem~~ determines necessary for the holding of examinations and for carrying out this chapter; ~~provide for the licensing requirements of Title 8, section 653; and shall provide for reciprocity of licensing with similar boards of other states which maintain electrical standards at least equal to those of this State as required to implement section 1206. Reciprocal licenses shall not be denied on the basis of current residency.~~

**Sec. 2. 32 MRSA §1206** is enacted to read:

**§1206. Reciprocity**

The board shall issue a license to any person who files a sworn application, who is licensed under the laws of another state or territory of the United States and who has been licensed and actively engaged in an electrician's work for a minimum of 6 years, as long as that state or territory has licensing standards and experience requirements at least equivalent to this State's and as long as that state or territory grants similar privileges to persons licensed under this chapter. Reciprocal licenses may not be denied on the basis of current residency.

Notwithstanding other provisions of this section, the board, upon receiving an application for a reciprocal license, may waive the 576 hours of study required for a journeyman or master license pursuant to section 1202. The board may require the applicant to submit such written evidence, verified by oath, as it determines necessary to support the application.

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

Effective April 7, 1994.

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**CHAPTER 637**

**H.P. 1414 - L.D. 1924**

**An Act to Improve Licensing Procedures at the Bureau of Insurance**

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

**Whereas,** the licensing division within the Bureau of Insurance is responsible for licensing and monitoring activities in connection with licenses for approximately 8,000 insurance agents, 1,000 insurance brokers, 1,000 insurance adjusters and 800 insurers; and

**Whereas,** the responsibilities of the licensing division over the past few years have escalated due to an increase in regulatory oversight and complexity of insurance entities and due to an increase in the numbers of nonresident applicants; and

**Whereas,** the licensing division has been unable to control the increased workload without working overtime and hiring temporary employees; and

**Whereas,** the Bureau of Insurance is implementing a plan that necessitates law changes to improve the efficiency of the process; and

**Whereas,** the improved system will reduce the backlog of work and provide better service to the regulated community while maintaining adequate consumer protection; 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:**

**Sec. 1. 24-A MRSA §413, sub-§§9 and 10,** as enacted by PL 1969, c. 132, §1, are amended to read:

**9.** If a life or health insurer, a copy of the insurer's rate book and of each form of policy currently proposed to be issued in this State, and of the form of application therefor; or

**10.** If an alien insurer, a copy of the appointment and authority of its United States manager, certified by its officer having custody of its records;.

**Sec. 2. 24-A MRSA §413, sub-§§11 and 12,** as enacted by PL 1969, c. 132, §1, are repealed.

**Sec. 3. 24-A MRSA §428, sub-§1-A** is enacted to read:

**1-A.** Notwithstanding subsection 1, this section does not apply to application fees, examination fees, issuance fees, appointment fees, renewal fees and any other licensing fees associated with agent licenses, broker licenses, consultant licenses, adjuster licenses,

managing general agent registrations and reinsurance intermediary licenses.

**Sec. 4. 24-A MRSA §601, sub-§5,** as amended by PL 1993, c. 153, §§1 and 2, is further amended to read:

**5. Agents.** Agents' licenses and appointments fees are:

- A. Issuance fee for original resident agent license \$30;
- B. Appointment of resident agent, each insurer \$30;
- Biennial continuation of appointment \$30;
- ~~Each domestic mutual nonlife insurer~~ \$16;
- ~~Each other insurer~~ \$30;
- C. Temporary license issuance fee ~~\$5~~ \$50;
- D. Limited license issuance fee (section 1531) \$30;
- E. Issuance fee for original nonresident agent license ~~\$50~~ \$70;
- Appointment of such agent, each insurer ~~\$50~~ \$70;
- Biennial continuation of appointment, each agent insurer ~~\$50~~ \$70;
- F. Issuance fee for resident agent organization license ~~\$50~~ \$30;
- Biennial renewal fee ~~\$50~~ \$30; and
- G. Issuance fee for nonresident agent organization license ~~\$50~~ \$70;
- Biennial renewal fee ~~\$50~~ \$70.

**Sec. 5. 24-A MRSA §601, sub-§6, ¶E,** as enacted by PL 1993, c. 153, §4, is amended to read:

- E. Issuance fee for nonresident broker organization ~~fee~~ \$150;
- Biennial renewal fee \$150.

**Sec. 6. 24-A MRSA §601, sub-§7, ¶A,** as amended by PL 1991, c. 334, §5, is further amended to read:

- A. ~~Resident Issuance fee for original resident consultant, application for original license and issuance, if issued~~ \$50;
- Biennial continuation \$50;

**Sec. 7. 24-A MRSA §601, sub-§7, ¶B,** as amended by PL 1993, c. 153, §5, is further amended to read:

- B. ~~Nonresident Issuance fee for original nonresident consultant, application for original license and issuance, if issued~~ \$100;
- Biennial continuation \$100;

**Sec. 8. 24-A MRSA §601, sub-§8,** as amended by PL 1993, c. 153, §§7 and 8, is further amended to read:

- 8. Adjusters.** Adjuster license fees are:
- A. Issuance fee for original resident adjuster license ~~\$20~~ \$30;
  - Biennial continuation ~~\$20~~ \$30;
  - B. Issuance fee for original nonresident adjuster license ~~\$40~~ \$60;
  - Biennial continuation ~~\$40~~ \$60;
  - C. Temporary license ~~\$5~~ \$50;
  - D. Issuance fee for resident adjuster organization license ~~\$20~~ \$30;
  - Biennial renewal fee ~~\$20~~ \$30; and
  - E. Issuance fee for nonresident adjuster organization license ~~\$40~~ \$60;
  - Biennial renewal fee ~~\$40~~ \$60.

**Sec. 9. 24-A MRSA §601, sub-§10,** as amended by PL 1991, c. 334, §5, is further amended to read:

- 10. Vending machines.** Insurance vending machines fees are:
- ~~Filing application Issuance fee for license and issuance, if issued,~~ each machine \$100; and
  - Biennial continuation of license, each machine \$100.

**Sec. 10. 24-A MRSA §601, sub-§11**, as amended by PL 1993, c. 221, §3, is further amended to read:

**11. Rating organizations and advisory organizations.** Rating organizations and advisory organizations fees are:

License	<u>Original license issuance fee</u>	\$200; and
Biennial continuation of license		\$200.

**Sec. 11. 24-A MRSA §601, sub-§12**, as amended by PL 1991, c. 334, §5, is further amended to read:

**12. Road or tourist service.** Road or tourist service license fees are:

Issuance fee for original certificate of authority		<del>\$300</del> \$200;
Biennial continuation		<del>\$70</del> \$200; and
<del>Agent</del> <u>Resident agent</u> license, biennial continuation		<del>\$10.</del> \$30; and
<u>Nonresident agent license, biennial continuation</u>		\$70.

**Sec. 12. 24-A MRSA §601, sub-§18, ¶¶A and B**, as amended by PL 1991, c. 334, §5, are further amended to read:

A. <del>Application</del> <u>Original issuance fee</u>		<del>\$50</del> \$100; and
B. Annual <u>renewal</u> fee		\$100.

**Sec. 13. 24-A MRSA §601, sub-§§19 and 20**, as enacted by PL 1991, c. 334, §5, are amended to read:

**19. Purchasing group registrations.** Purchasing group registration fees are:

A. <del>Registration</del> <u>Original issuance fee</u>		<del>\$50</del> \$100; and
B. Annual <u>renewal</u> fee		\$100.

**20. Preferred provider organization.** Preferred provider organization fees are:

A. <del>Application</del> <u>Original registration issuance fee</u>		<del>\$50</del> \$100; and
B. Annual <u>renewal</u> fee		\$100.

**Sec. 14. 24-A MRSA §601, sub-§21**, as enacted by PL 1991, c. 828, §15, is repealed and the following enacted in its place:

**21. Reinsurance intermediary.** Reinsurance intermediary issuance fees and renewal fees are:

A. <u>Original license issuance fee</u>		<u>\$50; and</u>
B. <u>Biennial continuation</u>		<u>\$50.</u>

**Sec. 15. 24-A MRSA §601, sub-§23** is enacted to read:

**23. Continuing education vendors and courses.** Filing fees for continuing education courses and vendors are:

A. <u>Filing fee for each continuing education vendor</u>		<u>\$100;</u>
B. <u>Biennial continuation of approval</u>		<u>\$100; and</u>
C. <u>Filing fee for original approval of each continuing education course</u>		<u>\$20.</u>

**Sec. 16. 24-A MRSA §1518, sub-§1**, as amended by PL 1993, c. 221, §6, is further amended to read:

1. Written application for an agent, broker, consultant or adjuster license must be made to the superintendent by the applicant and accompanied by the applicable license application fees shown in section 601, ~~the cost of examination, if applicable, referred to in section 1520 and the investigation cost, if applicable, referred to in section 1519.~~ The application fee is earned when paid and is not subject to refund. The application must be signed and duly sworn to by the applicant. An individual who applies for more than one category of license, as defined in section 1528, ~~shall~~ **must** pay a separate application fee for each license requested.

**Sec. 17. 24-A MRSA §1518, sub-§2**, as amended by PL 1973, c. 585, §12, is further amended to read:

2. The application form ~~shall~~ **must** require full answers to questions reasonably necessary to determine the applicant's identity, age, residence, present occupation and occupations and business record over not less than the 5 years next preceding the date of the application, financial responsibility, insurance experience, ~~special education or instruction in insurance and insurance laws of this State he has had or expects to receive, purpose for which the license is to be used, whether he will devote all or part of his efforts to transactions under the license and, if part only, how much time he will devote to such transactions and in what other business or businesses he is or will be engaged or employed,~~ when required for licensure

and ~~such~~ other facts as the superintendent may require relative to the applicant's qualifications for the license as such qualifications are stated in this chapter. ~~The application shall be accompanied by an imprint of the applicant's fingerprints and applicant's recent photograph.~~

**Sec. 18. 24-A MRSA §1518, sub-§6**, as amended by PL 1975, c. 67, is further amended to read:

6. The application ~~shall~~ must show whether the applicant was ever previously licensed anywhere as to insurance; whether any such license was ever refused, suspended, revoked or renewal or continuance refused; and whether any insurer, general agent, agent or broker claims the applicant to be indebted to it, and if so, the details ~~thereof of the claimed indebtedness and the applicant's defense thereto to the claimed indebtedness; whether applicant has ever had an agency contract cancelled, and the facts thereof.~~

**Sec. 19. 24-A MRSA §1519**, as amended by PL 1973, c. 585, §12, is further amended to read:

#### **§1519. Investigation of license applicants**

1. ~~Upon completion of any~~ When an application for license under this chapter is completed, the superintendent shall ~~make such investigation as he deems advisable of~~ investigate, if necessary, the applicant's character, financial responsibility, experience, background and fitness for the license applied for.

2. As to applicants not ~~heretofore~~ licensed under this Title or licensed as insurance agent, broker or adjuster in this State under laws ~~heretofore~~ now in force, the superintendent shall secure, as soon as is reasonably possible after filing of the application, a credit and or investigation report relative to the applicant from a recognized and established independent investigation and reporting agency; ~~except that in lieu of obtaining a special such report, the superintendent may, in his discretion, accept with the application a similar report furnished by or on behalf of an insurer which proposes to appoint the applicant as its agent.~~ The cost, if any, of such report, in a reasonable uniform flat amount as from time to time fixed by the superintendent, shall must be paid by or on behalf of the applicant, and shall must be deposited with the superintendent at the time of filing the application. The superintendent shall promptly deposit the payment with the Treasurer of State to the credit of the Insurance Regulatory Fund. The superintendent shall keep confidential the contents of any such report and shall destroy the report after the application has been approved.

**Sec. 20. 24-A MRSA §1520**, as amended by PL 1993, c. 221, §§7 and 8, is further amended to read:

#### **§1520. Written examination**

1. ~~After the applicant's completion and~~ Prior to filing ~~of an~~ application with the superintendent as required by section 1518, the superintendent shall require each applicant for license as agent, broker, consultant or adjuster, unless exempted therefrom under section 1521, to take a written examination as to his test the applicant's competence to act as ~~such~~ agent, broker, consultant or adjuster. The applicant shall appear at a time and place designated by the superintendent and take a written examination prepared and administered by the superintendent, or an independent testing service designated by the superintendent, under the direction of the superintendent, who shall fix a passing grade, which in his the superintendent's judgment, indicates the applicant's ability to perform his the duties ~~in a satisfactory manner~~ under the license applied for which he has applied. ~~The superintendent shall determine or approve applicant must pay any charges to be paid by or on behalf of applicants fees for the services of any independent testing service designated by the superintendent.~~

2. If the applicant is an organization, the examination shall must be ~~so~~ taken by each individual who is to be named in or registered ~~as to~~ regarding the license, as provided in section 1517.

3. As to life insurers authorized to issue variable contracts under section 2537, applicants appointed by ~~such~~ insurers to solicit ~~such~~ variable contracts in this State, in addition to completing examinations required for a life agent's license, shall have successfully completed the minimum National Association of Securities Dealers requirements for the sale of variable contracts and provide the superintendent with a registration form as issued by the National Association of Securities Dealers. ~~Such a~~ The registration shall must be with the broker-dealer of the insurer appointing the applicant or with a broker-dealer with whom the insurer has a sales agreement.

4. An applicant for more than one category of license ~~as both a life agent or broker and a general lines agent or broker~~ must be separately examined for life insurance and for general lines, each category of license and shall pay a separate examination fee for ~~each of the 2 examinations~~ examination.

5. Nothing in subsection 3 or 4 ~~shall be deemed to prohibit~~ prohibits the giving of all required examinations ~~as to a particular applicant on the same day.~~

7. The superintendent shall establish or approve procedures for examination registrations.

**Sec. 21. 24-A MRSA §1523**, as amended by PL 1993, c. 153, §§12 and 13, is further amended to read:

**§1523. Time, place and conduct of examination**

1. All examinations of ~~license applicants shall~~ individuals must be conducted by the superintendent, or ~~his~~ the superintendent's designee using examinations approved by the superintendent.

2. The superintendent shall make examinations available ~~to applicants~~ at least once a month at convenient locations within the State.

3. All the kinds of insurance and annuity business the ~~applicant~~ individual proposes to transact under the license to be applied for must be included in the same examination, except as provided in section 1520, subsections 3 and 4, as to applicants for more than one category of license ~~for both life insurance and general lines~~.

4. The superintendent shall ensure that all examinations are given, conducted and graded in a fair and impartial manner and without unfair discrimination as between individuals examined.

5. The ~~applicant~~ individual must pass the examination with a grade indicating ~~his~~ the individual's ability to perform ~~his~~ the duties in a satisfactory manner under the license for which ~~he~~ the individual applies.

6. Within 30 days after the examination, the superintendent or ~~his designee~~ shall any independent testing service designated by the superintendent must inform the ~~applicant and the appointing insurer~~ individual as to whether or not he the individual has passed. An individual who has passed an examination must make application for and otherwise qualify for an agent, broker, adjuster or consultant license pursuant to this chapter.

7. The superintendent or any independent testing service designated by the superintendent shall keep each examination paper on file for at least 6 months.

8. An individual who fails to pass an examination must register and pay the fee for a subsequent examination in the same manner as a first-time registrant. A different set of examination questions must be used on each reexamination.

**Sec. 22. 24-A MRSA §1524**, as amended by PL 1985, c. 366, §§5 to 7, is repealed.

**Sec. 23. 24-A MRSA §1533, sub-§1**, as amended by PL 1993, c. 221, §9, is further amended to read:

1. Each insurer appointing an agent in this State shall file with the superintendent the appointment in writing, specifying the kinds of insurance or annuity business to be transacted by the agent for the insurer, and pay the appointment fee at the rate specified in section 601. The insurer shall pay the full appointment fee ~~if the agent's~~ without regard to the effective date of the appointment precedes the sponsoring insurer's biennial continuation date by a period of more than one year. If the agent's appointment precedes the sponsoring insurer's biennial continuation date by a period less than one year, 1/2 the applicable appointment fee is charged. An agent who qualifies to be licensed to sell variable annuity contracts pursuant to section 1520 must be separately appointed as to variable annuities and the insurer shall pay a separate appointment fee for the appointment.

**Sec. 24. 24-A MRSA §1534, sub-§1**, as repealed and replaced by PL 1975, c. 767, §19, is repealed.

**Sec. 25. 24-A MRSA §1534, sub-§2**, as amended by PL 1993, c. 221, §11, is further amended to read:

2. The superintendent ~~shall~~ must notify every insurer of the ~~expiration date of the insurer's agents' appointments and the fees that are required for continuation of an agent's appointment the insurer's agents' appointments for a 2-year period accompanied by a list of the insurer's agents.~~ The notice must be mailed to the insurer at least 30 days in advance of the expiration date of the insurer's agents' appointments. Insurers must be charged a fee for every agent whose appointment has not been terminated pursuant to section 1533 on the date the notice is sent. At least 15 days before Before the insurer's agents' expiration date, the insurer ~~shall file with the superintendent an alphabetical list of the names and addresses of all the insurer's agents in this State whose appointments are to remain in effect for the kinds of insurance or annuity business for which the respective agents are appointed, accompanied by payment of the biennial continuation of appointment fee as specified in section 601 must pay the fees required by the notice. Fees submitted with the alphabetical list are earned when paid and are not subject to refund refundable.~~ If an insurer's continuation of appointment is insurer does not accompanied by payment of pay the required fee fees, the appointment insurer is considered expired at midnight on the insurer's biennial continuation date subject to penalties pursuant to section 12-A. At the same time, the insurer shall also file with the superintendent an alphabetical list of the names and addresses of all the insurer's agents whose appointments in this State are not to remain in effect. An appointment not so continued and not otherwise

~~expressly terminated is considered expired at midnight on the insurer's biennial continuation date.~~

**Sec. 26. 24-A MRSA §1534, sub-§3**, as enacted by PL 1975, c. 767, §19, is repealed.

**Sec. 27. 24-A MRSA §1535, sub-§1**, as amended by PL 1993, c. 221, §12, is further amended to read:

1. Subject to the ~~general lines~~ agent's contract obligations and rights, if any, an insurer or agent may terminate an ~~agency agent~~ appointment at any time. ~~If the appointment is by written agreement and the insurer intends to terminate the written agreement with the agent or modify the agreement to delete that agent's authority to represent the insurer for any line of business, the insurer shall provide 90 days advance written notice of the termination or modification to the agent. A notice is not required when:~~

- 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.

**Sec. 28. 24-A MRSA §1535, sub-§2**, as amended by PL 1993, c. 221, §13, is further amended to read:

2. Notice of cancellation of an agent's appointment must be given to the superintendent in writing ~~at the same time notice is given to the agent prior to or on the effective date of the cancellation. The list of appointments not being continued under section 1534 constitutes notice to the superintendent of an agent's termination only if the termination takes effect on the agent's renewal date.~~ The superintendent may require of the insurer reasonable proof that the insurer has given notice to the agent pursuant to this section. Accompanying the notice of termination given the superintendent, the insurer shall file with the superintendent a statement of the cause, if any, for termina-

tion on a form provided by the superintendent. Any information, document, record or statement so disclosed or furnished to the superintendent is considered an absolutely privileged communication and is not admissible as evidence in any action or proceeding. An agent's cancellation of appointment is not effective until the superintendent receives notice of the cancellation as required in this section.

**Sec. 29. 24-A MRSA §1603**, as amended by PL 1973, c. 585, §12, is further amended to read:

**§1603. Qualifications for general lines agent and broker license**

For the protection of the people of this State, the superintendent shall not issue, continue or permit to exist any agent or broker license except in compliance with this chapter, or as to any individual unless qualified therefor as follows:

1. **Age.** Must be at least 18 years of age;:
2. **Residence.** Must be a resident of this State if to be licensed as a resident agent or resident broker, and, if to be licensed as a resident agent or broker, must not be licensed as a resident agent or resident broker of another state;:
3. **Competence, etc.** Must be competent, trustworthy, financially responsible, and of good personal and business reputation;:
4. **Education.** Must have fulfilled applicable education requirements as provided for in section 1604;:
5. **Examination.** Must have passed any written examination required for the license under this chapter;:
6. **Purpose.** Must not seek or use the license for the purpose of writing controlled business, as referred to in section 1514;:
7. **Appointment.** If for agent's license, must have been appointed agent by an authorized insurer or insurers as to the kinds of insurance to be covered by the license, subject to issuance of the license;: or
8. **Experience.** ~~If An applicant for a broker's license, must have had experience either be licensed as an agent, consultant, service representative, adjuster, managing general agent or broker, or other special experience, education or training, all of sufficient content and duration as deemed by for one year within 2 years prior to the date the application for license is filed with the superintendent to be reasonably necessary for competence in fulfilling the responsibilities of a broker.~~



**Sec. 30. 24-A MRSA §1673, sub-§7**, as amended by PL 1993, c. 221, §19, is further amended to read:

**7. Experience.** ~~If An applicant for a broker's license, the individual must have had experience be licensed as a life agent or broker, or managing general agent or other special experience, education or training in the life insurance business, all of sufficient content and duration as determined by for one year within 2 years prior to the date the application for license is filed with the superintendent reasonably necessary for competence in fulfilling the responsibilities of a broker.~~

**Sec. 31. 24-A MRSA §1854, sub-§2**, as enacted by PL 1969, c. 132, §1, is amended to read:

**2.** The bond ~~shall be~~ is continuous in form, and aggregate liability ~~thereon on the bond~~ may be limited to \$10,000 for an individual bond or \$25,000 for a blanket bond. If the adjuster qualifies for licensure with a blanket bond, the covered individual must be named on the bond.

**Sec. 32. 24-A MRSA §1854, sub-§4**, as amended by PL 1989, c. 168, §28, is repealed.

**Sec. 33. 24-A MRSA §1878**, as enacted by PL 1989, c. 31, §4, is amended to read:

**§1878. Application for approval of program**

**1.** Each application for approval of a continuing education program ~~shall~~ must be submitted according to the guidelines prescribed by the superintendent accompanied by the appropriate fee in section 601. The fee is nonrefundable. A fee is required only for original course submissions. Subsequent or renewal filings of approved courses are considered original if modified in any manner.

**2.** Courses and programs ~~shall~~ must be approved or disapproved by the superintendent, subject to prior review and nonbinding recommendations of the Continuing Education Advisory Committee. After reviewed and approved or disapproved, the submissions need not be maintained by the superintendent and may be destroyed. The superintendent may, by rule, establish 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.

**Sec. 34. 24-A MRSA §3104**, as repealed and replaced by PL 1977, c. 330, is amended to read:

**§3104. Notice of authorization to registers of probate**

Whenever any surety insurer is authorized to transact business in this State, the superintendent shall maintain the name of such insurer and the names of all agents of such insurer who have been licensed by ~~him~~ the superintendent, their places of residence and the dates when their licenses will expire, ~~and the names and addresses of all attorneys in fact registered with him.~~

**Sec. 35. 24-A MRSA §3105**, as enacted by PL 1969, c. 132, §1, is amended to read:

**§3105. Estoppel to deny corporate power**

An insurer must attach a power of attorney to every bond it executes through an attorney-in-fact in this State; except that bonds executed by an officer of this insurer are exempt from this requirement. The power of attorney must identify the name and address of its attorney-in-fact who is authorized to act for the insurer within this State together with the scope of authority of the attorney-in-fact. Any insurer which shall execute any bond as surety under section 3102 shall be estopped in any proceedings to enforce the liability which it shall have assumed to incur, to deny its corporate power or the authority of its attorney in fact within the scope of ~~his~~ the power of attorney filed in accordance with this section 413, to execute such instrument or assume such liability or the authority of any licensed agent to countersign such instrument.

**Sec. 36. Report.** The Superintendent of Insurance must report to the joint standing committee of the Legislature having jurisdiction over banking and insurance matters on the financial effect of the license fee changes in this Act on or before May 1, 1996.

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

Effective April 7, 1994.

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**CHAPTER 638**

**S.P. 726 - L.D. 1947**

**An Act to Establish an Alternative  
Form of Telecommunications  
Regulation in the State**

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