

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

paragraph is intended to be an alternative to the procedure in section 581;

See title page for effective date.

CHAPTER 237

H.P. 787 - L.D. 1104

An Act to Amend the Structure of the Electricians' Examining Board

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

Sec. 1. 32 MRSA §1151, first and 2nd ¶¶, as amended by PL 1991, c. 438, §1, are further amended to read:

The Electricians' Examining Board, as established by Title 5, section 12004-A, subsection 13, and in this chapter called the "board," consists of 7 members appointed by the Governor, called the "appointive members," and the Commissioner of Professional and Financial Regulation or a representative appointed by the commissioner.

The 7 appointive members shall consist of: one master electrician experienced in low-energy electronics; one electrician who is a bona fide member from organized labor classified as an inside electrician; one electrical inspector; one master electrician from the education field; and one person experienced in the electrical field, all of whom shall must have at least 10 years of experience in the electrical field; provided that the latter 3 need not be active electricians at the time of their appointment; and 2 representatives of the public. At the time of each appointment, the State Electrical Associates may nominate 3 persons for that appointment. To the extent the State Electrical Associates so nominates persons otherwise qualified for appointment to the board, the appointive members, other than the representatives of the public, may be selected from the persons so nominated.

See title page for effective date.

CHAPTER 238

S.P. 314 - L.D. 895

An Act to Require Additional Disclosure of Terms in Credit Life and Credit Health Insurance Policies

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

Sec. 1. 24-A MRSA §2857, sub-§2, as enacted by PL 1969, c. 132, §1, is amended to read:

2. Content of policy or certificate. Each individual policy or group certificate of credit life insurance or credit health insurance shall must, in addition to other requirements of law, set forth the name and home office address of the insurer, the name or names of the debtor, or, in the case of a certificate under a group policy, the identity by name or otherwise of the debtor; the premium or amount of payment, if a separate identifiable charge is paid by the debtor separately for credit life insurance and credit health insurance; a description of the coverage, including the amount and term thereof of the coverage, and any exceptions, limitations and restrictions, including conditions under which the policy may be terminated, which must be highlighted in bold print; and shall must state that the benefit shall be is paid to the creditor to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance may exceed the unpaid indebtedness, that any such excess shall be is payable to a beneficiary, other than the creditor, named by the debtor or to his the debtor's estate. During the 30 days immediately following the commencement date, the debtor may cancel the insurance and request in writing a full refund of premium for any reason.

See title page for effective date.

CHAPTER 239

S.P. 128 - L.D. 320

An Act to Clarify Immunity from Civil Suit for Volunteer Activities

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

Whereas, there are a number of successful free medical clinics in this State that must rely on the ability of health care practitioners to volunteer their professional assistance; and

Whereas, unless the health care practitioners are in private practice, they must obtain separate malpractice insurance to cover their volunteer services; and

Whereas, immediate enactment of this legislation is necessary to prevent the loss of valuable services at these clinics; 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 preserva-

tion 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 MRSA §2904, as amended by PL 1989, c. 74, §1, is further amended to read:

§2904. Immunity from civil liability for volunteer activities

Notwithstanding any inconsistent provision of any public or private and special law, no licensed ~~physician, podiatrist as defined in Title 32, section 3551 or dentist as defined in Title 32, section 1081, health care practitioner as defined in section 2502~~ who voluntarily, without the expectation or receipt of monetary or other compensation, provides professional services within the scope of that ~~physician's or podiatrist's~~ health care practitioner's licensure to a nonprofit organization or to an agency of the State or any political subdivision of the State or to members or recipients of services of that organization or state or local agency may be liable for damages or injuries alleged to have been sustained by the person nor for damages for the death of the person when the injuries or death are alleged to have occurred by reason of an act or omission in the rendering of professional services, unless it is established that the injuries or the death were caused willfully, wantonly, recklessly or by gross negligence of the ~~licensed physician or podiatrist~~ health care practitioner.

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

Effective June 14, 1995.

CHAPTER 240

S.P. 168 - L.D. 429

An Act to Amend Real Estate Appraisal Licensing and Certification Laws

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

Sec. 1. 32 MRSA §13251-A is enacted to read:

§13251-A. Conflict of interest

A real estate broker or associate broker may not knowingly provide or offer an appraisal or opinion of market value, as set forth in section 13963, on real estate in a transaction where the broker or associate

broker, or any other licensee licensed with the agency, is to receive a fee on that transaction.

Sec. 2. 32 MRSA §13963, as enacted by PL 1989, c. 806, §3, is amended to read:

§13963. Exemption

This Act does not apply to appraisals or opinions of market value ~~done prepared by real estate licensees licensed by this State~~ associate brokers or brokers who maintain active licenses pursuant to chapter 114 rendered for purposes other than for federally related transactions as defined in Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law 101-73, or in the federal Office of Management and Budget Circular A-129, as either is amended, or as the rules referred to in either are amended.

Any opinion or appraisal of market value rendered under this section must contain the following language in bold print in a prominent location:

"This opinion or appraisal was prepared solely for the client, purpose and function stated in this report and is not intended for subsequent use. It was not prepared by a licensed or certified appraiser and may not ~~be acceptable for use in transactions involving federal funds~~ comply with the appraisal standards of the Uniform Standards of Professional Appraisal Practice."

Sec. 3. 32 MRSA §13984, sub-§2, as enacted by PL 1993, c. 404, Pt. A, §24, is amended to read:

2. Minimum experience for licensed real estate appraisers. Licensed real estate appraisers ~~on the effective date of this section~~ October 13, 1993 who have not demonstrated the 2 years' experience in the real estate appraisal field required of new applicants by section 13972, subsection 6-A must demonstrate ~~such that~~ such that experience to the board not later than December 31, ~~1995~~ 1997. The 2 years' experience must have taken place within the 5 years immediately preceding the submission of ~~such that~~ such that experience to the board.

See title page for effective date.

CHAPTER 241

H.P. 475 - L.D. 656

An Act to Reduce Paperwork and Promote On-site Elementary Neutralization of Low-hazard Wastes