

# 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**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

**Sec. C-5. 24-A MRSA §2501**, as amended by PL 1977, c. 261, §1, is further amended to read:

**§2501. Scope of chapter**

This chapter applies only to contracts of life insurance and annuities, other than reinsurance, group life insurance and group annuities, except that section 2537 (separate accounts) ~~shall also apply~~ applies as to group life insurance and group annuity contracts. ~~No provision of this chapter shall apply to annuity agreements executed under chapter 30.~~

**Sec. C-6. 24-A MRSA c. 30**, as amended, is repealed.

**PART D**

**Sec. D-1. 24-A MRSA §413-A** is enacted to read:

**§413-A. Alien insurer; port of entry**

**1. Port of entry.** An alien insurer that has been authorized by the superintendent to use the State as its port of entry for the transaction of business in the United States is considered a domestic insurer to the extent provided in this section.

**2. Rules.** The superintendent shall adopt rules establishing the terms and conditions of port of entry authorization, which include without limitation:

A. The requirements an alien insurer must satisfy to qualify for port of entry authorization. These requirements must include, at a minimum:

(1) Agreement to adhere to all laws applicable to domestic insurers;

(2) Maintenance of appropriate trust surplus or other adequate security within the State;

(3) Maintenance of records of all United States operations within the State; and

(4) Maintenance of a separate financial reporting system for United States operations;

B. The procedures for obtaining, maintaining and terminating port of entry authorization; and

C. Modifications of the provisions of this Title, and of the rules adopted by the superintendent that apply to domestic insurers, as the superintendent determines necessary for the appropriate regulation of alien insurers with port of entry authorization.

See title page for effective date.

**CHAPTER 376**

**H.P. 1118 - L.D. 1562**

**An Act to Implement the  
Recommendations of the Governor's  
Task Force on Motor Carrier  
Safety Laws**

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

**Sec. 1. 5 MRSA §12004-G, sub-§33-C** is enacted to read:

<u>33-C. Motor</u>	<u>Expenses Only</u>	<u>29-A</u>
<u>Carrier Transportation</u>		<u>MRSA</u>
<u>Review Board</u>		<u>§562</u>

**Sec. 2. 29-A MRSA §558, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Violation.** A person commits a Class E crime if that person violates or knowingly permits a violation of this subchapter or a rule adopted pursuant to this subchapter. Notwithstanding Title 17-A, section 1301, the minimum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations, Parts 395.3, 395.8e and 395.8k is \$250.

**Sec. 3. 29-A MRSA §562** is enacted to read:

**§562. Motor Carrier Review Board**

**1. Establishment.** The Motor Carrier Review Board, as established by Title 5, section 12004-G, subsection 33-C and referred to in this section as the "board," is created to review motor carriers whose Bureau of Motor Vehicle records indicate significant and repeated motor carrier violations.

**2. Members.** The board consists of 7 members appointed by the Governor to serve 3-year terms as follows:

A. One member who is a representative of the Maine Motor Transport Association;

B. One member who is a representative of a motor carrier that owns fewer than 10 commercial motor vehicles;

C. One member who is a representative of a motor carrier that owns 10 or more commercial motor vehicles;

D. One member who is a representative of the Maine Forest Products Council;

E. One member who is a representative of the commercial motor vehicle insurance industry;

F. One member who is a representative of the Maine Professional Drivers' Association; and

G. One member who is a resident of this State and who is not and has never been employed in the motor carrier industry.

The Governor shall name the chair from among the appointed members.

**3. Powers and duties.** The board shall review the records of motor carriers with significant and repeated motor carrier violations. The board may hold a hearing as part of its review and must hold a hearing if requested by the motor carrier. The board may recommend to the Secretary of State that the motor carrier's operating authority license be suspended.

**4. Rules.** The board may adopt rules pursuant to the Maine Administrative Procedure Act to carry out the purposes of this section.

**5. Staffing and expenses.** The Secretary of State shall provide administrative support and compensation for actual and necessary expenses of the board.

**Sec. 4. Study concerning the opening of the York weigh station on a full-time basis.** The Department of Transportation, the Bureau of Taxation and the Bureau of State Police shall conduct a study to explore the feasibility and impact of opening the York weigh station located on Interstate 95 on a full-time basis. The study must include an evaluation of the operational feasibility of weighing commercial vehicles on a 24-hour basis at the existing facility, the equipment and personnel needed, the impact on the collection of fuel taxes, the impact of vehicles using alternate routes on road surfaces and traffic patterns and the impact of the port-of-entry concept on the commercial motor vehicle industry. The Department of Transportation, the Bureau of Taxation and the Bureau of State Police shall submit a report including findings, recommendations and any proposed legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters and the Executive Director of the Legislative Council no later than January 31, 1996.

**Sec. 5. Study committee on motor carrier training.** The Secretary of State shall convene a committee to study the provision of entry-level training and continuing education for commercial vehicle operators. The Secretary of State shall invite representatives of the Department of Transportation, the Department of Public Safety, the Maine Technical College System, the insurance industry and the motor carrier industry to serve on the committee. The study

committee shall submit recommendations for training requirements and methods of providing training and any proposed legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters and the Executive Director of the Legislative Council no later than January 31, 1996.

See title page for effective date.

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**CHAPTER 377**

**S.P. 587 - L.D. 1571**

**An Act to Establish Legislative Guidelines for Secession**

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

**Sec. 1. 30-A MRSA c. 113** is amended by repealing the chapter headnote and enacting the following in its place:

**CHAPTER 113**

**CONSOLIDATION, SECESSION AND ANNEXATION**

**SUBCHAPTER I**

**CONSOLIDATION**

**Sec. 2. 30-A MRSA c. 113, sub-c. II** is enacted to read:

**SUBCHAPTER II**

**Secession and Annexation Standards**

**§2171. Legislative intent**

The Legislature finds that the citizens of the State in accordance with the Constitution of Maine, Article I, Section 2, have an unalienable and indefeasible right to institute government and to alter, reform or totally change the same, when their safety and happiness require it. The Legislature further finds that the Legislature has the responsibility to ensure that the rights of all citizens are protected and that a decision to alter or otherwise change the boundaries of a municipal government should be made with caution and only after careful consideration of the guidelines set forth in this subchapter.

**§2172. Guidelines for legislation proposing secession**

A territory that seeks to have legislation submitted on its behalf proposing its secession from a municipality shall provide the Legislature with the