

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

A. A license issued to a firm, association, partnership or corporation authorizes all the members of the firm, association, partnership or corporation and any employees of those entities to act as reinsurance intermediaries if each individual is also licensed named in the application and registered with the superintendent. Those individuals exercise the license power only for and in the name of the organization. This paragraph does not prevent an individual from being separately licensed and acting in that individual's own behalf and name.

B. The superintendent may not license a firm, association, partnership or corporation unless the license is within purposes stated in the partnership agreement or certificate of organization. All licensees are subject to the applicable standards of section 407, subsection 2.

C. All licensees under this subsection are subject to the same restrictions with regard to deceptively similar business names as applied to insurers under section 408, subsection 4.

2. Advertising. Licensees may advertise only in the name under which they are licensed.

3. Notice of change. Licensees shall promptly notify the superintendent of every change in address and notify the superintendent of every change among its members, directors and officers and of other individuals designated in or registered as to the license.

4. Refusal. The superintendent may refuse to issue a license to a reinsurance intermediary if, in the superintendent's judgment, the applicant, any ~~one~~ person named on the application, or ~~any~~ a member, principal, officer or director of the applicant, is not trustworthy, has given cause for revocation or suspension of such license or has failed to comply with any prerequisite for the issuance of such license, or that any controlling person of an applicant is not trustworthy to act as a reinsurance intermediary.

5. Superintendent review. If the superintendent finds that the application is complete and that the applicant is otherwise qualified for the license applied for, the superintendent shall promptly issue the license. Otherwise, the superintendent shall refuse to issue the license, promptly notify the applicant of the refusal and state the grounds for refusal.

6. Refund. If the license is refused, the superintendent shall promptly refund to the applicant all fees received for application for a reinsurance intermediary license.

7. Duration. Unless revoked or suspended, a reinsurance intermediary license remains in effect as

long as ~~the licensee continues to hold a valid Maine broker or agent license and~~ the licensee pays the ~~biennial~~ annual fee required by section 601 before the anniversary date of the license.

Sec. 9. 24-A MRSA §2916-C is enacted to read:

§2916-C. Discontinuance of a line of business

If an insurer files a plan with the superintendent to discontinue business in a line of insurance subject to this subchapter, the superintendent may authorize the nonrenewal of policies in that line of business if the plan filed by the insurer demonstrates the availability of equivalent replacement policies for all policyholders at the same or lower rates. The nonrenewal of a policyholder pursuant to this section may not be considered by an insurer in future coverage determinations. An insurer may resume transacting business in a line of insurance discontinued pursuant to this section upon written notification to the superintendent.

Sec. 10. 24-A MRSA §3055-A is enacted to read:

§3055-A. Discontinuance of a line of business

If an insurer files a plan with the superintendent to discontinue business in a line of insurance subject to this subchapter, the superintendent may authorize the nonrenewal of policies in that line of business if the plan filed by the insurer demonstrates the availability of equivalent replacement policies for all policyholders at the same or lower rates. The nonrenewal of a policyholder pursuant to this section may not be considered by an insurer in future coverage determinations. An insurer may resume transacting business in a line of insurance discontinued pursuant to this section upon written notification to the superintendent.

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

Effective March 19, 1996.

CHAPTER 545

H.P. 1248 - L.D. 1710

**An Act to Simplify Applications for
Tax Exemptions for Blind
Individuals**

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

Sec. 1. 36 MRSA §654, sub-§1, ¶E, as amended by PL 1993, c. 708, Pt. J, §13, is further amended to read:

E. The residential real estate up to the just value of \$4,000 of inhabitants of Maine who are legally blind as determined by ~~the Department of Education, Division for the Blind and Visually Impaired~~ a properly licensed Doctor of Medicine, Doctor of Osteopathy or Doctor of Optometry; and

See title page for effective date.

CHAPTER 546

S.P. 674 - L.D. 1734

An Act to Amend the Commercial Vehicle Weight Laws

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

Sec. 1. 29-A MRSA §2360, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Penalty. Notwithstanding section 101, subsection 85, a person who is guilty of excessive vehicle weight must be punished by a fine in accordance with this section. When both gross and axle weight limits are exceeded, the penalty imposed must be for the violation that results in the higher fine except that, for a violation of section 2355, a minimum fine must also be imposed for any other applicable violation of section 2355 in accordance with subsection 9.

Sec. 2. 29-A MRSA §2362, sub-§§2 to 4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

2. Suspension for repeat offenders. If the record maintained by the Secretary of State shows that a vehicle has been operated in violation of section 2361 3 or more times during a 12-month period, 5 or more times during a 24-month period or 7 or more times during a 36-month period, then the Secretary of State shall suspend the registration plates and certificate of that vehicle, or, for a foreign-registered vehicle, the right to operate in this State.

3. Length of suspension. The term of suspension ~~for the 3rd offense is 30 days and, for the 4th and subsequent offenses, 60 days.~~ for the 3rd offense within a 12-month period, the 5th offense within a 24-month period or the 7th offense within a 36-month period. The term of suspension is 60 days for the 4th and subsequent offenses within a 12-month period, the

6th and subsequent offenses within a 24-month period or the 8th and subsequent offenses within a 36-month period. Prior offenses for the 24-month period and 36-month period must be determined in the same manner as provided for the 12-month period in section 2361, subsection 3.

4. Criminal penalty. Notwithstanding section 2361, a 3rd or subsequent violation of section 2361 within a 12-month period, a 5th or subsequent violation within a 24-month period or a 7th or subsequent violation within a 36-month period is a Class E crime, but the fine specified in section 2361 and the suspension specified in this section apply.

See title page for effective date.

CHAPTER 547

H.P. 617 - L.D. 827

An Act to Provide for Record Checks of Elementary and Secondary Education Employees and Applicants

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

Sec. 1. 20-A MRSA c. 221, sub-c. III, first 2 lines are repealed and the following enacted in their place:

SUBCHAPTER III

EMPLOYEE AND APPLICANT RECORDS

Sec. 2. 20-A MRSA §6101, sub-§1, ¶¶E and F, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

E. Major and minor fields of study recognized by the post-secondary institutions attended; ~~and~~

F. Degrees received and dates awarded; ~~and~~

Sec. 3. 20-A MRSA §6101, sub-§1, ¶G is enacted to read:

G. Criminal history record information obtained pursuant to section 6103.

Sec. 4. 20-A MRSA §6101, sub-§2, ¶B, as amended by PL 1987, c. 620, §1, is further amended to read:

B. Except as provided in paragraph A, information in any form relating to an employee or applicant for employment, or to the employee's immediate family, ~~shall~~ must be kept confidential if it relates to the following: