

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

(b) If the purchaser elects to cancel, ~~he~~ the purchaser may do so by hand delivering a notice ~~thereof of cancellation~~ or by mailing the notice by prepaid United States mail to the developer. The cancellation ~~shall~~ must be without penalty and any deposit made by the purchaser ~~shall~~ must be promptly refunded in its entirety;

(12) A statement that any deposit made in connection with the purchase of a unit will be returned to the purchaser if the purchaser cancels the contract within ~~15~~ 10 calendar days after receipt of the written statement or contract;

Sec. 3. 33 MRSA §592, sub-§3, as enacted by PL 1983, c. 248, §3, is amended to read:

3. Cancellation of contract. Any purchaser or prospective purchaser of a time share may cancel a contract or conveyance of a time share by delivering or mailing a postage prepaid written notice of the purchaser's intention to cancel within ~~45~~ 10 calendar days after the date of any contract or conveyance or within ~~45~~ 10 calendar days after delivery of the current written statement required by subsection 1, whichever is later.

See title page for effective date.

CHAPTER 84

H.P. 157 - L.D. 199

An Act to Allow Wholesale Seafood License Holders to Process Parts of Lobster Tails

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

Whereas, seafood processors have identified new types of products with great potential for success and increased employment; 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. 12 MRSA §6862, sub-§§2 and 4, as corrected by RR 1991, c. 2, §38, are amended to read:

2. Permitted activity. A lobster tail permit authorizes a wholesale seafood license holder to remove a lobster tails in the shell tail from a lobster and to process that whole lobster tail or portions of that lobster tail under the following conditions.

A. The lobster ~~tails~~ tail or lobster tail portions may ~~only~~ be processed only at the establishment named in the permit.

B. The ~~tails~~ lobster tail or lobster tail portions may only come from a legal sized lobsters lobster, as defined in section 6431.

C. All containers in which lobster tails or lobster tail portions are packed to be sold, shipped or transported must be clearly labeled with the name, address and permit number of the packer.

4. Regulations. The commissioner, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, may adopt such regulations as are ~~deemed~~ determined necessary for implementation and enforcement of this section. These regulations may include provisions for determining that lobster tails or lobster tail portions processed by a wholesale seafood license holder under this section were removed by that wholesale seafood license holder from legal sized lobsters and other provisions as may be ~~deemed~~ determined necessary.

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

Effective April 11, 1997.

CHAPTER 85

S.P. 86 - L.D. 266

An Act to Conform State Laws Regarding Fair Housing for Older Persons with Federal Laws

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

Sec. 1. 5 MRSA §4581, sub-§2, ¶C, as enacted by PL 1989, c. 245, §3, is amended to read:

C. Intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this paragraph, ~~regulations adopted by the United States Department of Housing and Urban Development shall be used which require the housing must meet~~ the housing must meet at least the following factors:

~~(1) The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of the facilities and services is not practicable, that the housing is necessary to provide important housing opportunities for older persons;~~

(2) That at least 80% of the dwellings are occupied by at least one person 55 years of age or older per unit; and

(3) The publication of, and adherence to, policies and procedures ~~which~~ that demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

See title page for effective date.

CHAPTER 86

H.P. 271 - L.D. 335

An Act to Prohibit Certain Activities by Insurance Adjusters

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

Sec. 1. 24-A MRSA §1858 is enacted to read:

§1858. Activities of insurance adjusters

The following requirements govern the activities of insurance adjusters.

1. Solicitation. An adjuster may not solicit or offer an adjustment services contract to any person not insured by the insurer for which the adjuster is providing services for at least 36 hours after an accident or occurrence as a result of which the person might have a potential claim.

2. Contract provision. Any adjustment services contract between an adjuster and any person not insured by the insurer for which the adjuster is providing services must contain a provision, prominently printed on the first page of the contract, stating that the person contracting with the adjuster has the option to rescind the contract within 2 business days after the contract is signed.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1997-98 **1998-99**

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Bureau of Insurance

Positions - Legislative Count	(0,500)	(0,500)
Personal Services	\$6,300	\$8,825
All Other	3,750	5,000
Capital Expenditures	3,000	

Allocates funds for one part-time Market Conduct Examiner and related costs of enforcing certain prohibitions pertaining to insurance adjusters.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

TOTAL	\$13,050	\$13,825
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See title page for effective date.

CHAPTER 87

S.P. 33 - L.D. 31

An Act to Require That a Vacancy in the Office of Sheriff Be Filled by an Appointee from the Same Political Party

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

Sec. 1. 30-A MRSA §371-B is enacted to read:

§371-B. Vacancies

In the case of a vacancy in the term of a sheriff who was nominated by primary election before the general election, the sheriff appointed by the Governor to fill the vacancy until a successor is chosen at election must be enrolled in the same political party as the sheriff whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted to the Governor by the county committee of the political party from which the appointment is made.

See title page for effective date.