

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

**Sec. 3. 24-A MRSA §1411, sub-§3, ¶B**, as enacted by PL 1997, c. 457, §23 and affected by §55, is amended to read:

B. A licensed insurance producer offering advice concerning a kind of insurance for which the insurance producer is licensed to transact business and does not receive a separate fee for rendering such advice other than commissions or fees for the sale of an insurance or annuity policy, except that this paragraph does not apply to a licensed insurance producer who is also authorized to act as or on behalf of an investment advisor pursuant to section 1402, subsection 4, paragraph D, subparagraph (6);

**Sec. 4. 24-A MRSA §1445, sub-§2**, as enacted by PL 1997, c. 457, §23 and affected by §55, is amended to read:

**2. Prohibited activities.** A licensed insurance producer in this State may not:

A. Use knowledge gained as a result of the producer's insurance relationship with the insurance consumer for the producer's own personal gain, other than the receipt of fees or commissions allowed under section 1450, or use knowledge gained as a result of the relationship for the purpose of investing the insurance consumer's money in property or assets in which the insurance producer or the producer's relatives have or will have a personal ownership interest unless that activity is otherwise authorized under insurance, banking or securities laws or rules; or

B. Receive a fee for rendering advice on financial or estate planning or for selling trust packages, if the producer also recommends the purchase of an insurance policy upon which the producer will receive commissions, unless the producer is licensed as a consultant acting in compliance with consultant licensing laws or provides the required documentation in accordance with section 1466, subsection 2.

**Sec. 5. 24-A MRSA §1466, sub-§2**, as enacted by PL 1997, c. 457, §23 and affected by §55, is amended to read:

**2. Life and health consultant.** A life and health consultant may charge a consulting fee and receive commissions for the sale of insurance as an insurance producer if both the consulting fee and the insurance commissions are provided for in a written agreement, in a form approved by the superintendent, signed by the client and the consultant. ~~A life consultant shall offset fees against first year commis-~~

~~sions received as an insurance producer on the sale of insurance.~~

See title page for effective date.

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**CHAPTER 226**

**S.P. 628 - L.D. 1793**

**An Act Regarding Funding for Applied Technology Centers**

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

**Sec. 1. 20-A MRSA §8404, sub-§3, ¶C**, as amended by PL 1991, c. 716, §§6 and 7, is further amended to read:

C. Shall, in the event that the school boards of School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department enter into a cooperative agreement pursuant to section 8401 and a new applied technology center in Maine School Administrative District No. 33 becomes operational, devise a cost sharing formula for the center established thereby pertaining to the cost of applied technology educational programs ~~which~~ that exceed expenditures made for those programs in the base year as adjusted pursuant to section 15603, subsection 5 and to the local share of debt service costs attributable to construction of the center in School Administrative District No. 33; ~~and~~

**Sec. 2. 20-A MRSA §8404, sub-§3, ¶D**, as enacted by PL 1991, c. 518, §15, is amended to read:

D. May devise a formula for sharing costs of the center among the units served by that center. Such a formula or any amendment to the formula must be ratified by the school board of each unit or affiliated unit served by the center. Any such unit may withdraw, subject to obligations incurred by the unit for any debt issued previously by or for the benefit of the center, from such a cost-sharing formula at the end of any fiscal year following one year's written notice to all other units served by the center. Following withdrawal by such a unit, the center shall, if the unit wishes, continue to serve that unit under a financial arrangement approved by the center that does not assess the unit a per pupil assessment that exceeds the per pupil assessments of the other participating units;.

**Sec. 3. 20-A MRSA §8404, sub-§3, ¶¶E, F, G and H** are enacted to read:

E. Shall, for the purposes of calculating program costs for state subsidy purposes for fiscal year 2000-01 for the City of Portland and the other school units affiliated with Portland Arts and Technology High School, reallocate the total applied technology education costs of Portland Arts and Technology High School for fiscal year 1998-99 among the City of Portland and those units on the basis of the average of the percentage of the number of pupils attending Portland Arts and Technology High School from the City of Portland and each of those units on October 1, 1997 and October 1, 1998;

F. Shall, for the purposes of calculating program costs for state subsidy purposes for fiscal year 2001-02 for the City of Portland and the other school units affiliated with Portland Arts and Technology High School, reallocate the total applied technology education costs for fiscal year 1999-00 among the City of Portland and those units on the basis of the average of the percentage of the number of pupils attending Portland Arts and Technology High School from the City of Portland and each of those units on October 1, 1998 and October 1, 1999;

G. Shall, for the purposes of calculating program costs for state subsidy purposes of fiscal year 2000-01 for the City of Westbrook and the other school units affiliated with Westbrook Regional Vocational Center, reallocate the total applied technology education costs of Westbrook Regional Vocational Center for fiscal year 1998-99 among the City of Westbrook and those units on the basis of the average of the percentage of the number of pupils attending Westbrook Regional Vocational Center from the City of Westbrook and each of those units on October 1, 1997 and October 1, 1998; and

H. Shall, for the purposes of calculating program costs for state subsidy purposes for the fiscal year 2001-02 for the City of Westbrook and the other school units affiliated with Westbrook Regional Vocational Center, reallocate the total applied technology education costs of Westbrook Regional Vocational Center for fiscal year 1999-00 among the City of Westbrook and those units on the basis of the average of the percentage of the number of pupils attending Westbrook Regional Vocational Center from the City of Westbrook and each of those units on October 1, 1998 and October 1, 1999.

**Sec. 4. 20-A MRSA §8404, sub-§4** is enacted to read:

**4. Cost-sharing agreement; amend.** The commissioner may approve an amendment to the cost-

sharing agreement of an applied technology center, adopted by the participating school units, that provides that the costs of the applied technology center must be reallocated among the participating school units for the purposes of calculating the state subsidy to those units for not more than 2 years in order to ease the transition to a new cost-sharing agreement.

See title page for effective date.

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## CHAPTER 227

S.P. 530 - L.D. 1563

### **An Act to Implement the Recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities**

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

**Sec. 1. 26 MRSA §1419-A, sub-§2**, as amended by PL 1997, c. 751, Pt. A, §4, is further amended to read:

**2. Telecommunications Equipment Fund.** There is established the Telecommunications Equipment Fund to be used by the Division of Deafness within the Bureau of Rehabilitation Services. The fund is nonlapsing. The Division of Deafness may accept gifts or grants for the purposes of this section. These gifts and grants and authorized appropriations must be deposited in the Telecommunications Equipment Fund and disbursed in accordance with this section. The Telecommunications Equipment Fund may be used for purchase, lease, distribution, upgrading, installation, maintenance and repair of specialized customer telecommunications equipment for deaf, hard-of-hearing or speech-impaired persons and persons with disabilities. The Division of Deafness may draw on the Telecommunications Equipment Fund in accordance with the telecommunications equipment plan required under subsection 3.

**Sec. 2. 26 MRSA §1419-A, sub-§5** is enacted to read:

**5. Assessment on telecommunications carriers.** The Bureau of Rehabilitation Services, beginning in fiscal year 1999-2000, shall assess annually telecommunications carriers in accordance with this subsection and deposit the funds collected in the Telecommunications Equipment Fund. The bureau shall assess telecommunications carriers in accordance with a schedule established by the Public Utilities Commission in accordance with this subsection.