

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.

J.S. McCarthy Company
Augusta, Maine
1999

F. If the transfer would contravene the terms of the structured settlement, the transfer agreement does not have adverse tax consequences to the structured settlement obligor or annuity issuer. The structured settlement obligor or annuity issuer must demonstrate to the court or responsible administrative authority that the transfer agreement, if approved, will have adverse tax consequences; and

G. The transferee has given written notice of the transferee's name, address and taxpayer identification number to the annuity issuer and the structured settlement obligor and has filed a copy of that notice with the court or responsible administrative authority.

§2244. Jurisdiction; filing

1. Jurisdiction. The Superior Court has non-exclusive jurisdiction over any application for authorization under this chapter of a transfer of structured settlement payment rights.

2. Filing. Not less than 30 days prior to the scheduled hearing on any application for authorization of a transfer of structured settlement payment rights under this chapter, the transferee shall file with the court or responsible administrative authority and serve on any other government authority that previously approved the structured settlement, all interested parties, the structured settlement obligor and annuity issuer a notice of the proposed transfer and the application of its authorization, including in that notice:

A. A copy of the transferee's application;

B. A copy of the transfer agreement;

C. A copy of the disclosure statement required under section 2243, subsection 2, paragraph B;

D. Notification that any interested party, structured settlement obligor or annuity issuer is entitled to support, oppose or otherwise respond to the transferee's application, either in person or by counsel, by submitting written comments to the court or responsible administrative authority or by participating in the hearing; and

E. Notification of the time and place of the hearing and notification of the manner in which and the time by which written responses to the application must be filed, which may be not less than 30 days after service of the transferee's notice, in order to be considered by the court or responsible administrative authority.

§2245. Prohibitions

1. Prohibition against waiver. The provisions of this chapter may not be waived.

2. Prohibition against penalty. A payee who proposes to make a transfer of structured settlement payment rights may not incur a penalty, forfeit an application fee or other payment or otherwise incur any liability to the proposed transferee based on the failure of that transfer to satisfy the conditions of section 2243.

§2246. Construction

Nothing contained in this chapter may be construed to authorize a transfer of structured settlement payment rights in contravention of applicable law or to give effect to a transfer of structured settlement payment rights that is invalid under applicable law.

See title page for effective date.

CHAPTER 269

S.P. 633 - L.D. 1800

An Act Concerning Standards for Operation and Maintenance of Radio Antenna Towers

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

Sec. 1. 30-A MRS §3012 is enacted to read:

§3012. Radio antenna towers; construction in conformance with federal requirements

A municipality may not adopt or enforce any ordinance or regulation that is preempted by a Federal Communications Commission regulation that states that local regulations that involve placement, screening or height of radio antennas based on health, safety or aesthetic considerations must be crafted to reasonably accommodate amateur radio communications and to represent the minimum practicable regulation to accomplish the municipality's legitimate purpose.

See title page for effective date.

CHAPTER 270

H.P. 861 - L.D. 1218

An Act Relating to Automobile Rental Supplemental Liability Insurance

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

Sec. 1. 24-A MRSA §1402, sub-§9, ¶¶F and G, as enacted by PL 1997, c. 457, §23 and affected by §55, are amended to read:

- F. Annuities contracts only; ~~or~~
- G. Automobile mechanical ~~break-down~~ break-down contracts only; ~~or~~

Sec. 2. 24-A MRSA §1402, sub-§9, ¶H is enacted to read:

H. Liability insurance offered by a motor vehicle rental company incidental to the rental of a motor vehicle for a period not to exceed 60 days.

Sec. 3. 24-A MRSA §1413, sub-§8 is enacted to read:

8. Motor vehicle rental company. A rental company that primarily provides rental of motor vehicles to the public under a rental agreement that includes travel, baggage, liability or other related insurance coverage purchased by an individual in connection with and incidental to the rental of a motor vehicle, whether at the rental office or by preselection of coverage by the individual, shall obtain a limited insurance producer license under this chapter, and at least one employee at each office of the rental company located in the State shall obtain a limited insurance producer license.

Sec. 4. 24-A MRSA §1427, sub-§1, ¶C, as amended by PL 1997, c. 592, §30, is further amended to read:

- C. An applicant for a license as a resident title insurance producer who is an attorney at law duly licensed to practice law in this State; ~~or~~

Sec. 5. 24-A MRSA §1427, sub-§1, ¶D, as amended by PL 1997, c. 592, §31, is further amended to read:

- D. An applicant for a license as a limited insurance producer who solicits or sells mechanical breakdown insurance; ~~or~~

Sec. 6. 24-A MRSA §1427, sub-§1, ¶E is enacted to read:

E. An applicant for a license as a limited insurance producer employed by a motor vehicle rental company who solicits or sells liability insurance in connection with and incidental to the rental of a motor vehicle for a period not to exceed 60 days.

See title page for effective date.

CHAPTER 271

S.P. 421 - L.D. 1258

An Act Relating to Uninsured Vehicle Coverage

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

Sec. 1. 24-A MRSA §2902, sub-§2, as amended by PL 1995, c. 65, Pt. A, §68 and affected by §153 and by Pt. C, §15, is further amended to read:

2. The amount of coverage to be so provided may not be less than the amount of coverage for liability for bodily injury or death in the policy offered or sold to a purchaser unless the purchaser expressly rejects such an amount, but in any event may not be less than the minimum limits for bodily injury liability insurance provided for under Title 29-A, section 1605, subsection 1.

Sec. 2. 24-A MRSA §2902, sub-§5 is enacted to read:

5. An insurer or licensed producer holding an appointment from the insurer shall disclose to the purchaser of a motor vehicle liability insurance policy the requirements for uninsured motor vehicle coverage under subsection 2.

See title page for effective date.

CHAPTER 272

S.P. 487 - L.D. 1447

An Act to Promote Maine's Family-friendly Business and Investment Strategies

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

Sec. 1. 5 MRSA §13062, sub-§1, ¶A, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is amended to read:

A. The office shall conduct an analysis of the various industrial sectors of the economy. The types of businesses to be targeted for attraction ~~shall be ones which are those that~~ have potential for development in Maine and ~~which that~~ will contribute to a healthy ~~business and environmental~~ climate for Maine's businesses, families and environment.