

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

B. Forces activated during a period of war declared by the United States Congress or a period of national emergency declared by the President of the United States or the United States Congress.

Sec. 3. 37-B MRSA §390-A is enacted to read:

§390-A. Waiver of continuing education requirements; extension of license, certificate or registration

1. Definitions. As used in this section, unless the context otherwise indicates, "active duty for a period of more than 30 days" has the same meaning as in 10 United States Code, Section 101(d)(2).

2. Waiver of continuing education requirements. Notwithstanding any other provision of law, except as provided in Title 12, section 6311 a person who is a member of the National Guard or the Reserves of the United States Armed Forces under an order to active duty for a period of more than 30 days and who was licensed, registered or certified to engage in a profession or occupation prior to entering into active duty for a period of more than 30 days may not be required to complete the continuing education requirements for that profession or occupation for any licensing, registration or certification period during that period of active duty and for 6 months after that person is released from active duty.

3. Automatic extension of license, certificate or registration. Notwithstanding any other provision of law, except as provided in Title 12, section 6311 a person who is a member of the National Guard or the Reserves of the United States Armed Forces under an order to active duty for a period of more than 30 days and who was licensed, certified or registered to engage in a profession or occupation prior to being called to active duty for a period of more than 30 days and whose license, certificate or registration expires during that period of active duty must have that license, certificate or registration automatically extended for the period of active duty and for 6 months after that person has been released from active duty.

4. Limited application. This section applies only if the member's service is in support of:

A. An operational mission for which members of the Reserves of the United States Armed Forces have been ordered to active duty without their consent; or

B. Forces activated during a period of war declared by the United States Congress or a period of national emergency declared by the President

of the United States or the United States Congress.

See title page for effective date.

CHAPTER 112

H.P. 348 - L.D. 473

An Act To Increase Vital Records Fees

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

Sec. 1. 30-A MRSA §2652, sub-§3, ¶A, as amended by PL 1997, c. 32, §2, is further amended to read:

A. Certificate of birth, marriage or death, the clerk may charge up to \$7 \$10 for the first copy and up to \$3 \$5 for each additional copy; and

Sec. 2. 30-A MRSA §2652, sub-§3, ¶B, as amended by PL 1993, c. 405, §1, is further amended to read:

B. Burial permit, \$4 \$5; and

See title page for effective date.

CHAPTER 113

H.P. 696 - L.D. 1012

An Act To Improve Security at State Courthouses

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

Sec. 1. 4 MRSA §58 is enacted to read:

§58. Courthouse Security Fund

1. Creation of fund. The Courthouse Security Fund, referred to in this section as "the fund," is created under the jurisdiction and control of the Supreme Judicial Court.

2. Source of fund. The fund consists of all money appropriated or allocated for inclusion in the fund, from whatever source, and any other resources available to the fund.

3. Application of fund. Money in the fund may be used to improve security and improve public safety at court facilities under the control of the State or a subdivision of the State. Money in the fund not needed to meet the requirements of this subsection

may accrue interest and be invested in a manner permitted by law.

4. Revolving fund. The fund is a nonlapsing, revolving fund.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior, District and Administrative 0063

Initiative: Provides a base allocation in the event that additional funding is collected to support the activities of the Courthouse Security Fund.

OTHER SPECIAL REVENUE

FUNDS	2005-06	2006-07
All Other	\$500	\$0
OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$500	\$0

See title page for effective date.

CHAPTER 114

S.P. 167 - L.D. 541

An Act To Amend the Laws Related to Cancellation and Nonrenewal of Insurance

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

Sec. 1. 24-A MRSA §2912, sub-§2, as amended by PL 1977, c. 403, §1, is further amended to read:

2. Renewal or renew. "Renewal" or "to renew" means the issuance and delivery by an insurer of a policy replacing at the end of the previous policy term a policy previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the coverage of the policy beyond its original term. Any renewal policy, other than a replacement policy for an unfinished term, with a term of one year or less ~~shall be~~ is considered written, for the purposes of this subchapter, for a term of one year. For purposes of this subchapter, the transfer of a policy from an insurer to an affiliate is considered a policy renewal.

Any policy written for a term longer than one year or with no fixed expiration date ~~shall be~~ is considered written for successive policy terms of one year.

Sec. 2. 24-A MRSA §2915, as amended by PL 1989, c. 172, §4, is further amended to read:

§2915. Delivery of notice

~~No~~ A notice of cancellation of a policy ~~shall be~~ is not effective unless received by the named insured at least 20 days prior to the effective date of cancellation, or, when the cancellation is for nonpayment of premium, at least 10 days prior to the effective date of cancellation. In the event the policy is an automobile physical damage policy, like notice of cancellation ~~shall~~ must also be given to any other person mentioned in the loss payable clause. A postal service certificate of mailing to the named insured at the insured's last known address ~~shall be~~ is conclusive proof of receipt on the 5th calendar day after mailing.

Except for a policy ~~which that~~ has been in effect for less than 60 days at the time notice of cancellation is received by the named insured, the reason for cancellation ~~shall~~ must accompany the notice, together with a notice of the right to apply for a hearing before the Superintendent of Insurance within 30 days, as provided in section 2920.

Prior to the date of renewal of a policy that has been transferred by an insurer to an affiliate, the insured must receive notice of any changes to the terms of the policy that are less favorable to the insured.

Sec. 3. 24-A MRSA §3007, sub-§1, ¶E, as enacted by PL 1985, c. 671, §2, is amended to read:

E. "Renewal" or "to renew" means the issuance of, or the offer to issue by an insurer or an affiliate of an insurer, a policy succeeding a policy previously issued and delivered by the same insurer or an affiliated insurer or the issuance of a certificate or notice extending the terms of an existing policy for a specified period beyond its expiration date. For purposes of this section, the transfer of a policy from an insurer to an affiliate is considered a policy renewal.

Sec. 4. 24-A MRSA §3007, sub-§5, ¶B, as enacted by PL 1985, c. 671, §2, is amended to read:

B. Nonrenewal subject to this section ~~shall~~ is not effective prior to 30 days after receipt of notice written by the insured. Prior to the date of renewal of a policy that has been transferred by an insurer to an affiliate, the insured must receive notice of any changes to the terms of the policy that are less favorable to the insured.

Sec. 5. 24-A MRSA §3050, as amended by PL 1989, c. 172, §7, is further amended to read:

§3050. Delivery of notice

~~No~~ A notice of cancellation of a policy ~~shall be~~ is not effective unless received by the named insured at