

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

- (3) In the individual market:
  - (a) The carrier ~~shall replace~~ replaces the product with a product that complies with the requirements of this section, including renewability, and with section 2736-C;
  - (b) The superintendent ~~shall find~~ finds that the replacement is in the best interests of the policyholders; and
  - (c) The carrier ~~shall provide~~ provides notice of the replacement to the policyholder and, if a group policy subject to section 2736-C, to the insureds a certificate holder, at least 90 days before replacement, including notice of the policyholder's or certificate holder's right to purchase any other product currently being offered by that carrier in the individual market pursuant to section 2736-C, subsection 3;

**PART G**

**Sec. G-1. 24-A MRSA §2803**, as amended by PL 1993, c. 171, Pt. C, §2, is further amended to read:

**§2803. Requirements**

A policy of group health insurance may not be delivered in this State, nor may any certificate of group health insurance that derives from a policy issued in another state be delivered in this State unless the group policyholder conforms to one of the descriptions set forth in sections 2804 to ~~2809~~ 2808.

**PART H**

**Sec. H-1. 24-A MRSA §601, sub-§5, ¶F**, as amended by PL 1997, c. 592, §16, is further amended to read:

- F. Issuance fee for resident agency license, \$30; Biennial fee, \$30;
- Biennial fee for appointment, each insurer, health maintenance organization, fraternal benefit society, nonprofit hospital or medical service organization, viatical settlement provider or risk retention group, \$30; and

**Sec. H-2. 24-A MRSA §601, sub-§5, ¶G**, as amended by PL 1997, c. 592, §16, is further amended to read:

- G. Issuance fee for nonresident agency license, \$70;
- Biennial fee, \$70;
- Biennial fee for appointment, each insurer, health maintenance organization, fraternal benefit society, nonprofit hospital or medical service organi-

zation, viatical settlement provider or risk retention group, \$70; ~~and.~~

**Sec. H-3. 24-A MRSA §601, sub-§5, ¶H**, as enacted by PL 1997, c. 457, §18 and affected by §55, is repealed.

**Sec. H-4. 24-A MRSA §1415, sub-§1**, as amended by PL 2001, c. 259, §16, is further amended to read:

**1. Producer authorities.** An individual resident or nonresident insurance producer may receive any of the full license authorities pursuant to section 1420-F, subsection 1, paragraphs A to F, ~~in addition to independent producer authority in accordance with section 1450,~~ and surplus lines authority in accordance with chapter 19.

**Sec. H-5. 24-A MRSA §1450, sub-§2**, as enacted by PL 1997, c. 457, §23 and affected by §55, is amended to read:

**2. Shared commissions.** If an insurance producer does not have an appointment with an insurer, the insurance producer may place with that insurer, through a duly licensed and appointed producer of such insurer, an insurance coverage necessary for the adequate protection of a subject of insurance and share in the commission on that insurance, if each producer is licensed as to the kinds of insurance involved. ~~If an insurance producer does not have an appointment with an insurer, the insurance producer may place an insurance coverage with that insurer without placing through an agent of the insurer, and accept or share in the commission as long as:~~

- ~~A. The producer represents the insured and does not represent the insurer;~~
- ~~B. The producer has the authority under the license to act as an independent producer;~~
- ~~C. The producer does not, on a regular basis, normally place business with that insurer;~~
- ~~D. The producer does not also receive a fee from the insured for the service; and~~
- ~~E. The producer is licensed as to the kinds of insurance involved.~~

See title page for effective date.

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**CHAPTER 239**

**H.P. 229 - L.D. 285**

**An Act Regarding the Qualifications of Candidates for Office**

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

**Sec. 1. 21-A MRSA §336, sub-§1**, as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Consent.** The consent must contain a statement signed by the candidate that ~~he the candidate~~ will accept the nomination of the primary election. The Secretary of State shall provide a form on which the consent of the candidate is made that must include a list of the statutory and constitutional requirements of the office sought by the candidate. The statement may be printed as a part of the primary petition.

**Sec. 2. 21-A MRSA §355, sub-§1**, as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Consent.** The consent must contain a statement signed by the candidate that ~~he the candidate~~ will accept the nomination of the primary election. The Secretary of State shall provide a form on which the consent of the candidate is made that must include a list of the statutory and constitutional requirements of the office sought by the candidate. The statement may be printed as a part of the nomination petition.

**Sec. 3. 21-A MRSA §363, sub-§3**, as amended by PL 1995, c. 459, §30, is further amended to read:

**3. Acceptance filed.** A person chosen under this section must file a written acceptance containing a statement that the person meets the qualifications of the office sought and declaring the person's residence and party enrollment with the Secretary of State. The Secretary of State shall provide a form on which the statement is made by the candidate that must include a list of the statutory and constitutional requirements of the office sought by the candidate.

See title page for effective date.

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**CHAPTER 240**

**H.P. 1077 - L.D. 1468**

**An Act Concerning Technical Changes to the Tax Laws**

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

**Sec. 1. 29-A MRSA §409, sub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**5. Other taxes.** A motor vehicle, mobile home, camp trailer or truck camper may not be registered until the excise tax or personal property tax or real estate tax has been paid in accordance with Title 36, sections 551, 602, 1482 and 1484. The Secretary of State may provide municipal excise tax collectors with a standard vehicle registration form for the collection of excise tax.

**Sec. 2. 36 MRSA §191, sub-§2, ¶G**, as amended by PL 1997, c. 504, §4, is further amended to read:

G. The disclosure to the Attorney General of information related to ~~any a person under who is the subject of a criminal investigation or prosecution~~, and the subsequent ~~sharing of or release disclosure~~ of ~~such that~~ information by the Attorney General to ~~a district attorneys attorney, an assistant district attorneys attorney~~ or a state, county or local law enforcement ~~agencies agency~~ that ~~are is~~ participating in the criminal investigation or prosecution of ~~such a that~~ person. ~~Requests~~ A request from the Attorney General for information related to ~~any a person under who is the subject of a criminal investigation or prosecution~~ must be submitted to the State Tax Assessor in writing and must include:

- (1) The name and address of the ~~taxpayer with respect person~~ to whom the requested ~~return~~ information relates;
- (2) The taxable period or periods to which the ~~return requested~~ information relates;
- (3) The statutory authority under which the ~~proceeding or criminal investigation or prosecution~~ is being conducted; and
- (4) The specific reason ~~or reasons why~~ the ~~disclosure requested information~~ is, or may be, relevant to ~~a proceeding or the criminal investigation or prosecution~~.

The Attorney General, or ~~any a~~ district attorney, assistant district attorney or ~~other~~ law enforcement agency ~~with which the Attorney General has shared, or to which the Attorney General has released such disclosed tax information pursuant related to a person who is the subject of a criminal investigation or prosecution shall retain physical control of the that information until the conclusion of the criminal investigation or proceeding prosecution~~ for which the information was requested, after which the information must be returned immediately to the ~~State Tax Assessor. assessor:~~

**Sec. 3. 36 MRSA §191, sub-§2, ¶NN**, as corrected by RR 2009, c. 2, §105, is amended to read:

NN. The disclosure to an authorized representative of the Wild Blueberry Commission of Maine of ~~any~~ information required for or submitted to the assessor in connection with the administration of the tax imposed under chapter 701;

**Sec. 4. 36 MRSA §310, sub-§4**, as repealed and replaced by PL 1973, c. 695, §6, is amended to read:

**4. Level of attainment.** The State Tax Assessor shall ~~determine what~~ establish by rule the level of at-