

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

**CHAPTER 132
S.P. 296 - L.D. 847**

An Act To Permit Hair Braiding without a Barbering or Cosmetology License

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

Whereas, many new Americans who had hair braiding businesses in their countries of origin would like to start hair braiding businesses in Maine and current Maine cosmetology and barbering regulations are burdensome and inapplicable for individuals who want to open within their communities shops that offer only hair braiding services; and

Whereas, an exemption from licensure for hair braiding services would help many individuals start small businesses and assist with their participation in the Maine economy, which benefits all citizens of the State; and

Whereas, this legislation needs to take effect before the end of the 90-day period in order to benefit the economy as soon as possible; 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. 32 MRSA §14203, sub-§3 is enacted to read:

3. Hair braiding. A person who provides only hair braiding services is not subject to licensure under this chapter.

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

Effective June 2, 2015.

**CHAPTER 133
H.P. 672 - L.D. 975**

An Act Regarding Travel Insurance in the Maine Insurance Code

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

Sec. 1. 24-A MRSA §601, sub-§31 is enacted to read:

31. Supervising travel insurance producer. Supervising travel insurance producer licensing fees may not exceed:

- A. Original license issuance fee, \$500; and
- B. Annual renewal fee, \$300.

Sec. 2. 24-A MRSA §1420-F, sub-§1, ¶H, as enacted by PL 2001, c. 259, §24, is repealed and the following enacted in its place:

H. Travel insurance, which is a limited line and which means insurance coverage for personal risks incident to planned travel, including but not limited to:

- (1) Interruption or cancellation of a trip or event;
- (2) Loss of baggage or personal effects;
- (3) Damages to accommodations or rental vehicles; or
- (4) Sickness, accident, disability or death occurring during travel.

Travel insurance does not include a major medical plan that provides comprehensive medical protection for travelers on trips lasting 6 months or longer;

Sec. 3. 24-A MRSA §1420-H, sub-§3, ¶B, as enacted by PL 2001, c. 259, §24, is amended to read:

B. An applicant for a license as a limited insurance producer who solicits or sells travel ~~and baggage~~ insurance;

Sec. 4. 24-A MRSA c. 90 is enacted to read:

CHAPTER 90

LIMITED LINES TRAVEL INSURANCE

§7051. Short title

This chapter may be known and cited as "the Limited Lines Travel Insurance Act."

§7052. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Designated responsible producer. "Designated responsible producer" means the individual licensed producer responsible for ensuring compliance by the supervising travel insurance producer with travel insurance laws and rules of the State.

2. Offer and disseminate. "Offer and disseminate" means providing general information, including

a description of the coverage and price, as well as processing the application and collecting premiums.

3. Supervising travel insurance producer. "Supervising travel insurance producer" means a business entity licensed in accordance with this chapter to sell, solicit and negotiate travel insurance that is offered and disseminated by travel retailers.

4. Travel insurance. "Travel insurance" means insurance coverage as defined in section 1420-F, subsection 1, paragraph H.

5. Travel retailer. "Travel retailer" means a business entity that makes, arranges or offers travel services.

§7053. Licensure; nonlicensed activities; compensation

1. Issuance of license. Upon receipt of an application in the form and manner prescribed by the superintendent, the superintendent may issue a supervising travel insurance producer license, which is a limited license, to a business entity authorizing the business entity to sell, solicit or negotiate travel insurance as a supervising travel insurance producer on behalf of a licensed insurer.

2. Nonlicensed activities. A travel retailer or its employees or authorized representatives do not need a license under this chapter if the retailer is on the registry, as provided in section 7054, subsection 2, and the insurance-related activities of the travel retailer, its employees and authorized representatives are limited to offering and disseminating travel insurance in compliance with this chapter.

3. Compensation. If the insurance-related activities of a travel retailer and its employees and authorized representatives are limited to offering and disseminating travel insurance on behalf of and under the direction of a supervising travel insurance producer, and the travel retailer is registered pursuant to section 7054, subsection 2, the travel retailer and its employees are permitted to receive related compensation on sales made in accordance with this chapter.

§7054. Requirements

A travel retailer is authorized to offer and disseminate travel insurance on behalf of and under the authority of a supervising travel insurance producer if the following requirements are met.

1. Disclosure. The supervising travel insurance producer or travel retailer shall provide to purchasers of travel insurance brochures or other written materials that include:

A. A description of the material terms of the insurance coverage including:

(1) The identity and contact information of the insurer, supervising travel insurance producer and designated responsible producer;

(2) The amount of any applicable deductible and how it is to be paid;

(3) The benefits of the coverage; and

(4) Key terms and conditions of coverage;

B. An explanation that the purchase of travel insurance is not required in order to purchase any other product or service from the travel retailer;

C. An explanation that a travel retailer that is not licensed as an insurance producer is only permitted to provide general information about the insurance offered by the supervising travel insurance producer or insurer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage;

D. A description of the process for filing a claim; and

E. A description of the review or cancellation process for the travel insurance policy.

2. Registry of travel retailers. The supervising travel insurance producer shall establish and update a register on a form prescribed by the superintendent of each travel retailer that offers travel insurance on the supervising travel insurance producer's behalf. The register must include the name, address and contact information of the travel retailer and an officer or person who directs or controls the travel retailer's operations and the travel retailer's federal employer identification number. The supervising travel insurance producer shall submit the register to the superintendent upon request. The supervising travel insurance producer shall certify that the registered travel retailer complies with 18 United States Code, Section 1033.

3. Designated responsible producer. The supervising travel insurance producer shall designate one of its employees who is a licensed insurance producer under chapter 16, subchapter 2-A as the designated responsible producer.

4. License continuation or termination. Each supervising travel insurance producer license issued under this chapter is subject to section 1416-A.

5. Fees. The supervising travel insurance producer shall pay all applicable insurance producer licensing fees as set forth in section 601, subsection 31.

6. Training. The supervising travel insurance producer shall require each employee of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction

or training, which may be subject to review by the superintendent. The training material must, at a minimum, contain instructions on the types of insurance offered, ethical sales practices and required brochures or other written materials provided to prospective customers.

§7055. Prohibited acts

An employee or representative of a travel retailer who is not licensed as an insurance producer may not:

1. Technical terms. Evaluate or interpret the technical terms, benefits and conditions of the offered travel insurance coverage;

2. Advice. Evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

3. Purport to be licensed. Purport to be a licensed insurer, licensed producer or insurance expert or represent that the travel retailer is so licensed or has insurance expertise.

§7056. Policy; responsibilities; enforcement

1. Policy. Travel insurance may be provided under an individual policy or under a group or master policy.

2. Responsibility. A supervising travel insurance producer is responsible for the acts of a travel retailer offering and disseminating travel insurance under the supervising travel insurance producer's authority and shall use reasonable means to ensure compliance by the travel retailer with this chapter.

3. Enforcement. A supervising travel insurance producer and any travel retailer offering and disseminating travel insurance are subject to chapters 16 and 23.

See title page for effective date.

CHAPTER 134

S.P. 372 - L.D. 1046

An Act To Penalize Legislators for Excessive Absences

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

Sec. 1. 3 MRSA §2, as corrected by RR 2013, c. 2, §3, is amended by adding after the 2nd paragraph a new paragraph to read:

A member of the Senate or House of Representatives may not be absent without leave for more than 5 legislative days in the first regular session or for more than 3 legislative days in the second regular session. A member who violates this paragraph must have the member's salary reduced by an amount as determined

by the Legislative Council for each legislative day of absence without leave. At the beginning of each Legislature, the Legislative Council shall establish policies and procedures to record attendance for each legislative day and set the salary reduction for members who violate this paragraph.

See title page for effective date.

CHAPTER 135

H.P. 794 - L.D. 1156

An Act Regarding the Board of Dental Examiners

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

Whereas, Public Law 2011, chapter 581 established dental adjudicatory panels, which had sole authority to hold an adjudicatory hearing regarding disciplinary actions for a person licensed by the Board of Dental Examiners; and

Whereas, the law establishing the dental adjudicatory panels was repealed September 15, 2014, leaving the Board of Dental Examiners without authority to hold adjudicatory hearings on disciplinary actions; and

Whereas, it is in the best interest of the public that there be a process in place to ensure that the public is served by competent and honest practitioners in the field of dentistry; and

Whereas, this legislation needs to take effect as soon as possible to restore the authority of the Board of Dental Examiners to adjudicate disciplinary actions; 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. 32 MRSA §1077, sub-§1, as amended by PL 2011, c. 581, §1, is further amended to read:

1. Disciplinary proceedings and sanctions. Regarding noncompliance with or violation of this chapter or of rules adopted by the board, the board shall investigate a complaint on its own motion or upon receipt of a written complaint filed with the board.

The board shall notify the licensee of the content of a complaint filed against the licensee as soon as possi-