

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

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2. An insurer may dispute a claim by furnishing to the insured, or his representative, a written statement that the claim is disputed with a statement of the grounds upon which it is disputed.

3. If an insurer fails to pay an undisputed claim or any undisputed part of the claim when due, the amount of the overdue claim or part of the claim shall bear interest at the rate of 1 1/2% per month after the due date.

4. A reasonable attorneys fee for advising and representing a claimant on an overdue claim or action for an overdue claim shall be paid by the insurer if overdue benefits are recovered in an action against the insurer or if overdue benefits are paid after receipt of notice of the attorney's representation.

5. Nothing in this section prohibits or limits any claim or action for a claim which the claimant has against the insurer.

Effective September 29, 1987.

CHAPTER 345

H.P. 1137 — L.D. 1547

AN ACT to Create Immunity from Liability.

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

24-A MRSA §2183 is enacted to read:

§2183. Immunity from liability

1. Definition. For the purpose of this section, "fraudulent insurance act" means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent of an insurer, any written statement as part of or in support of an application for the issuance of or the rating of an insurance policy for commercial insurance or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which he knows to contain materially false information concerning any material fact or conceals, for the purpose of misleading, information concerning any material fact.

2. Immunity from liability concerning fraudulent insurance acts. In the absence of fraud or bad faith, no person is subject to civil liability for libel, slander or any other relevant tort cause of action by virtue of filing reports, without malice, or furnishing other information, without malice, required by this Title or required by the superintendent under the authority granted in this Title, and no civil cause of action of any nature may arise against such person for any information relating to suspected fraudulent insurance acts furnished to or received

from law enforcement officials, their agents and employees; for any information relating to suspected fraudulent insurance acts furnished or received from other persons subject to this section; or for any such information furnished in reports to the Bureau of Insurance, the National Association of Insurance Commissioners or any organization established to detect and prevent fraudulent insurance acts, their agents, employees or designees, nor may the superintendent or any employee of the Bureau of Insurance, acting without malice, in the absence of fraud or bad faith, be subject to civil liability for libel, slander or any other relevant tort and no civil cause of action of any nature may arise against such person by virtue of the publication of any report or bulletin related to the official activities of the Bureau of Insurance. Nothing in this section is intended to abrogate or modify in any way any common law or statutory privilege or immunity previously enjoyed by any person.

Effective September 29, 1987.

CHAPTER 346

H.P. 1319 — L.D. 1803

AN ACT to Provide for Noise Generated by Developments.

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

Whereas, the Department of Environmental Protection has adopted rules under the site location of development law which provides for control of excessive noise from developments which are reviewed under that law; and

Whereas, those rules have proven to be difficult to interpret for applicants, the public and the department; and

Whereas, applicants have difficulty determining whether their developments will be found to produce excessive noise because of uncertainty in the rule as to how background and other noise levels will be measured; and

Whereas, applicants are unable to predict what noise controls will be required on their projects; and

Whereas, there is confusion as to the role of municipal noise ordinances and municipal zoning under the site location of development law; and

Whereas, recent Board of Environmental Protection decisions have resulted in added confusion and uncertainty regarding noise standards; and

Whereas, as a result of these circumstances, municipalities, permit applicants, property owners and others are unable to ascertain, plan and rely on consistent quantifiable and predictable noise standards; and