

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 712

H. P. 631

House of Representatives, February 9, 1981

Referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Carrier of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Provide for the Limitations of Liability in Regard to Certain Insurance Inspections.

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

14 MRSA § 166 is enacted to read:

§ 166. Insurance inspections

The furnishing of or the failure to furnish, safety inspections or advisory services intended to reduce the likelihood of injury, death or loss shall not subject the insurer, its agent or employee undertaking to perform such services as an incident to insurance, to liability for damages from injury, death or loss occurring as a result of any act or omission in the course of the services. This section shall not apply if the active negligence of the insurer, its agent or employee created the condition which was the proximate cause of injury, death or loss, nor shall it apply to the services when rendered or performed under the provisions of a written contract.

STATEMENT OF FACT

This bill tracks identical laws adopted in Wisconsin and Massachusetts and provides for the limitation of liability in certain cases of gratuitous inspections by insurers.