

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1487

H. P. 1272

House of Representatives, March 26, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Tarbell of Bangor.

Cosponsors: Representative Nadeau of Lewiston, Representative Kelleher of Bangor.

STATE OF MAINE

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

AN ACT to Establish an Arson Reporting Immunity Act.

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

Sec. 1. 25 MRSA § 2402, as enacted by PL 1977, c. 275, is repealed.

Sec. 2. 25 MRSA c. 316 is enacted to read:

CHAPTER 316

ARSON REPORTING IMMUNITY ACT

§ 2411. Definitions

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

1. **Action.** "Action" includes nonaction or the failure to take action.

2. **Authorized agencies.** "Authorized agencies" means:

A. Attorney General;

B. District attorney responsible for prosecution in the municipality where the fire occurred;

C. The Federal Bureau of Investigation, or any other federal agency, only for the purposes of section 2412;

D. State Fire Marshal;

E. Superintendent of Insurance;

F. United States Attorney's office when authorized or charged with investigation or prosecution of the fire in question, only for the purposes of section 2412.

3. Immune. "Immune" means that in the absence of fraud or malice, no insurance company or person who furnished information on its behalf to an authorized agency is liable for damages in a civil action or subject to criminal prosecution for furnishing information pursuant to this chapter.

§ 2412. Disclosure of information

1. Information disclosed. Any authorized agency investigating a fire loss may, in writing, require the insurance company at interest to release to the requesting agency any or all relevant information or evidence deemed important to the authorized agency, which the company may have in its possession relating to the fire loss in question. This information includes, but is not limited to:

A. History of previous claims made by the insured;

B. Insurance policy information relevant to a fire loss under investigation and any application for that policy;

C. Material relating to the investigation of the fire loss including statements and proof of loss; and

D. Policy premium payment records and any other evidence relevant to the investigation.

2. Notification. When an insurance company has reason to believe that a fire loss in which it has an interest was not accidentally caused, it shall, in writing, notify an authorized agency and provide it with material developed from the company's inquiry into the fire loss.

3. Exchange of information. The authorized agency provided with information pursuant to this section may release or provide that information to any other authorized agency.

4. Right to receive upon request. Any insurance company providing information to an authorized agency pursuant to this section shall have the right, upon request, to receive other information relevant to the fire loss, within 30 days.

5. Immunity. Any insurance company, or person acting on its behalf, or authorized agency which releases information pursuant to this section, is immune from civil or criminal liability.

§ 2413. Evidence

1. Confidentiality. Any authorized agency or insurance company which receives any information pursuant to this chapter shall hold it in confidence and not release the information, except to another authorized agency, until its release is required for a criminal or civil proceeding.

2. Testimony. Personnel of any authorized agency may be required to testify by subpoena in any litigation in which the insurance company at interest is named as a party.

STATEMENT OF FACT

The purposes of this bill is to provide for:

1. Certain authorized agencies to request and receive from insurance companies, information relating to fire losses;
2. Notification by insurance companies of suspicious fire losses to authorized agencies;
3. The exchange of information between insurance companies and authorized agencies;
4. The confidentiality of released information; and
5. Testimony in matters that may be litigated.