

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1523

H.P. 1120 House of Representatives, May 11, 1987 Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

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

EDWIN H. PERT, Clerk

Presented by Representative CLARK of Millinocket.

Cosponsored by Senator COLLINS of Aroostook,

Representatives RACINE of Biddeford and REED of Falmouth.

STATE OF MAINE

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

1 2 3 4	AN ACT to Amend the Law Concerning Appeals by Parties Aggrieved by Acts of the Superintendent of Insurance.
5 6	Be it enacted by the People of the State of Maine as follows:
7 8	Sec. 1. 24-A MRSA §229, sub-§2, %B, as amended by PL 1973, c. 585, §12, is further amended to read:
9 10 11 12 13 14 15	B. Upon written application for a hearing by a person aggrieved by any act or impending act, or by any report,-rule,-regulation or order of the superintendent, other than an order for the hold-ing of a hearing, or order on a hearing, or pursuant to such order, of which hearing such person had notice.

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Sec. 2. 24-A MRSA §229, sub-§3, as amended by PL 1973, c. 585, §12, is further amended to read:

3 Any such application must be filed with the 3. 4 superintendent within 90 30 days after such person 5 knew or reasonably should have known of such act, im-6 pending act, failure, report,-rule,-regulation or or-7 der, unless a different period is provided for by 8 other applicable law, and in which case such other 9 law shall govern. The application shall briefly state respects in which the applicant is so aggrieved, 10 the 11 together with the ground to be relied upon for the 12 relief to be demanded at the hearing. The superin-13 tendent may require that the application be signed 14 and sworn to.

STATEMENT OF FACT

16 Current state law provides that persons aggrieved 17 any act, impending act, report, rule, regulation by 18 or order of the Superintendent of Insurance, other 19 than an order for the holding of a hearing, or order 20 on hearing of which the person had notice, have 90 21 days from the date they know or reasonably should 22 have known of such act to request a hearing before the superintendent. This bill shortens this time pe-23 24 riod to 30 days. The 30-day time period would be con-25 sistent with appeal periods applicable to other agen-26 cies within the department, maintains adequate oppor-27 tunity for aggrieved persons to come forward and 28 expedites the administrative process by providing for 29 earlier resolution of issues.

30 The bill also deletes references to rules and 31 regulations in the insurance code provision which 32 deals with hearing rights as adequate provisions of 33 this nature are contained within the Maine Adminis-34 trative Procedure Act, the Maine Revised Statutes, 35 Title 5, chapter 375.

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