

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1547

H.P. 1137 House of Representatives, May 13, 1987  
Submitted by the Department of Professional and Financial  
Regulation pursuant to Joint Rule 24.

Reference to the Committee on Banking and Insurance  
suggested and ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative MacBRIDE of Presque Isle.  
Cosponsored by Representative VOSE of Eastport, Senators  
BRANNIGAN of Cumberland and BLACK of Cumberland.

STATE OF MAINE

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

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 insur-

1 ance or a claim for payment or other benefit pursuant  
2 to an insurance policy for commercial or personal in-  
3 urance which he knows to contain materially false  
4 information concerning any material fact or conceals,  
5 for the purpose of misleading, information concerning  
6 any material fact.

7       2. Immunity from liability concerning fraudulent  
8 insurance acts. In the absence of fraud or bad  
9 faith, no person is subject to civil liability for  
10 libel, slander or any other relevant tort cause of  
11 action by virtue of filing reports, without malice,  
12 or furnishing other information, without malice, re-  
13 quired by this Title or required by the superintend-  
14 ent under the authority granted in this Title, and no  
15 civil cause of action of any nature may arise against  
16 such person for any information relating to suspected  
17 fraudulent insurance acts furnished to or received  
18 from law enforcement officials, their agents and em-  
19 ployees; for any information relating to suspected  
20 fraudulent insurance acts furnished or received from  
21 other persons subject to this section; or for any  
22 such information furnished in reports to the Bureau  
23 of Insurance, the National Association of Insurance  
24 Commissioners or any organization established to de-  
25 tect and prevent fraudulent insurance acts, their  
26 agents, employees or designees, nor may the superin-  
27 tendent or any employee of the Bureau of Insurance,  
28 acting without malice, in the absence of fraud or bad  
29 faith, be subject to civil liability for libel, slan-  
30 der or any other relevant tort and no civil cause of  
31 action of any nature may arise against such person by  
32 virtue of the publication of any report or bulletin  
33 related to the official activities of the Bureau of  
34 Insurance. Nothing in this section is intended to  
35 abrogate or modify in any way any common law or stat-  
36 utory privilege or immunity previously enjoyed by any  
37 person.

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STATEMENT OF FACT

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Currently, the possibility of civil litigation acts as a deterrent to the transfer of information, related to fraudulent insurance acts, between the public, law enforcement officials and insurance regulators. This bill will encourage the transfer of information by creating an immunity from tort liability. The present unwillingness to share information has resulted in the creation of substantial obstacles to the successful prevention of fraudulent insurance acts. This bill is based upon a National Association of Insurance Commissioners' mode bill.

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