

MAINE STATE LEGISLATURE

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2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1600, L.D. 2224, Bill, "An Act to Provide Private Remedies for Elderly Consumers Injured by Unfair Insurance Trade Practices"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Provide Additional Remedies for Consumers Injured by Unfair Insurance Trade Practices'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'24-A MRSA §12-A, sub-§§1-A and 6 are enacted to read:

1-A. Equitable relief; actual damages. In addition to a civil penalty awarded pursuant to subsection 1, the Superior Court may award to any injured insured or applicant for insurance who is represented by the Attorney General reasonable equitable relief and actual damages.

6. Restitution. The superintendent may order restitution for any insured or applicant for insurance injured by a violation for which a civil penalty may be assessed pursuant to this section.'

STATEMENT OF FACT

This amendment replaces the authorization for private action in the bill with 2 other provisions. One provides the Attorney General with the authority to seek restitution or actual damages

COMMITTEE AMENDMENT "A" to H.P. 1600, L.D. 2224

for consumers injured by a violation of the Maine Insurance Code.

2

4 The other provides the Superintendent of Insurance with the authority to obtain restitution for consumers injured by a violation of the Maine Insurance Code.

Reported by the Committee on Banking and Insurance
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House
3/23/90 (Filing No. H-979)