

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

---

Legislative Document

No. 2224

H.P. 1600

House of Representatives, January 25, 1990

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.  
Reference to the Committee on Banking and Insurance suggested and ordered  
printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative RYDELL of Brunswick.

Cosponsored by Senator BRANNIGAN of Cumberland, Representative  
CONSTANTINE of Bar Harbor and Senator CLARK of Cumberland.

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

---

**An Act to Provide Private Remedies for Elderly Consumers Injured by  
Unfair Insurance Trade Practices.**

---



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

4 Sec. 1. 24-A MRSA §2184 is enacted to read:

6 §2184. Private remedies

8 1. Private actions. Any policy or certificate holder of a Medicare supplement, nursing home or long-term care insurance policy may initiate a private action, including an original complaint and counterclaim, for damages and equitable relief for violations of this chapter, including costs and disbursements and reasonable attorney fees.

14 2. Liquidated damages. In such a private action, the policy or certificate holder of a Medicare supplement, nursing home or long-term care insurance policy may seek double or treble damages. The amount of such damages will be determined by the court. No person may be held liable under this subsection if the person shows by a preponderance of the evidence that the violation was unintentional and a bona fide error, notwithstanding the maintenance of procedures reasonably adopted to avoid the error.

24 Sec. 2. 24-A MRSA §2436-A, sub-§2, as enacted by PL 1987, c. 291, §2, is amended to read:

26 2. Application. This Except for Medicare supplement, nursing home or long-term care insurance, this section does not apply to health or life insurance or workers' compensation claims.

32 STATEMENT OF FACT

34 The purpose of this bill is to allow consumer purchasers of Medicare supplement, nursing home or long-term care insurance policies who are injured by unfair or fraudulent insurance trade practices to bring a private action for equitable relief and damages.