

# MAINE STATE LEGISLATURE

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L.D. 1105

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DATE: June 12, 1995 (Filing No. S-241 )

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STATE OF MAINE  
SENATE  
117TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "D " to COMMITTEE AMENDMENT "A" to H.P. 788, L.D. 1105, Bill, "An Act to Clarify the Responsibility of an Insurance Agent in the Disclosure of Information"

Amend the amendment by striking out all of section 1 and inserting in its place the following:

Sec. 1. 24-A MRSA §3102-A is enacted to read:

§3102-A. Indemnification; surety on bonds

1. Annual notice to indemnitors. An insurer authorized to transact surety insurance in this State that acts as surety upon a payment or performance bond executed in this State in reliance on an indemnity agreement shall annually notify the following persons of the existence of the indemnity agreement:

A. All indemnitors who are residents of the State;

B. All indemnitors of a bond executed by a corporation incorporated in the State; and

C. The surety insurer's agent or broker, if an agent or broker is involved.

Notice to the indemnitors must be sent by certified mail to their last known address. The annual notice must be sent on or before the anniversary of the date of the execution of the indemnity agreement.

2. Termination of indemnity agreement. Failure to send an annual notice in accordance with the requirements of this section

*R.S.*

SENATE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 788,  
L.D. 1105

2 terminates an indemnity agreement executed after the effective  
3 date of this section as to any indemnitor to whom the annual  
4 notice was not sent. In no event does failure to send an annual  
5 notice or termination of the indemnity agreement relieve an  
6 indemnitor or the indemnitors' heirs, successors or assigns from  
7 past, present or future liability arising under any such bond  
8 executed in reliance upon the indemnity agreement if that  
9 indemnity agreement was in effect at the time the bond was  
10 executed.'

12 **STATEMENT OF FACT**

14 This amendment, which incorporates the substance of Senate  
15 Amendment "B" to Committee Amendment "A," requires that  
16 notification of indemnity agreements made in connection with  
17 performance or payment bonds be made on an annual basis to  
18 indemnitors who are residents of the State and who indemnify  
19 bonds executed by corporations of this State. Notification must  
20 also be made to an indemnitor who is a principal on the bond.  
21 This amendment deletes the language that requires agents, brokers  
22 or sureties to provide a copy of the annual notice of the  
23 existence of an indemnity agreement to the person or persons  
24 executing the bond.

26  
28 SPONSORED BY: Joel Abromson  
(Senator ABROMSON)

30 COUNTY: Cumberland  
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