

MAINE STATE LEGISLATURE

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MINORITY
BANKING AND INSURANCE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 372, L.D. 474, Bill, "An Act to Require Liability Insurance Carriers to Disclose Limits of Liability to Claimants"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 24-A MRSA §14 is enacted to read:

§14. Liability insurer of potential defendant required to provide claimant with limitations of liability; penalty

1. Liability insurer to provide claimant with limitations of liability. In a case in which a personal injury claimant has served a notice of claim against a potential defendant pursuant to Title 14, section 1602, subsection 1, the liability insurer for the potential defendant shall provide the claimant or the claimant's agent with the limitations of liability in existence in the insurance policy or contract the insurer has with the potential defendant no later than 14 days after receipt of a written request by the claimant or the claimant's agent.

2. Penalty. If an authorized insurer fails to comply with the provisions of this section, the claimant or the claimant's agent may enforce this section by motion in a court of competent jurisdiction and may recover the claimant's reasonable attorney's fees and costs. In addition, an insurer that fails to comply with this section commits a civil violation for which the penalties described in section 12-A may be adjudged.'

COMMITTEE AMENDMENT

2 Further amend the bill by inserting at the end before the
summary the following:

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6 **FISCAL NOTE**

8 This bill may increase the number of civil suits and civil
violations filed in the court system. The additional workload
and administrative costs associated with the minimal number of
10 new cases filed can be absorbed within the budgeted resources of
the Judicial Department. The collection of additional filing
12 fees and fines may also increase General Fund revenue by minor
amounts.'

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16 **SUMMARY**

18 This amendment is the minority report of the committee and
replaces the bill. It removes the provision assessing a per diem
20 penalty and makes violations subject to civil penalty in
accordance with violations of other provisions of the Maine
22 Insurance Code. The amendment also makes other technical changes
and clarifications to the bill. It also adds a fiscal note to
24 the bill.