

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1730

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DATE: 5-7-01

(Filing No. H- 327)

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BANKING AND INSURANCE

10 Reproduced and distributed under the direction of the Clerk of
12 the House.

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

18
20 COMMITTEE AMENDMENT "A" to H.P. 1272, L.D. 1730, Bill, "An
22 Act to Adopt the National Association of Insurance Commissioners'
Model Insurance Producer Licensing Act"

24 Amend the bill in section 24 in that part designated
26 "~~§1420-N.~~" in subsection 5 by striking out all of paragraph A and
inserting in its place the following:

28 'A. In the absence of actual malice, an insurer, the
30 authorized representative of the insurer, a producer, the
32 superintendent or an organization of which the
34 superintendent is a member that compiles the information
36 concerning the termination and makes it available to other
insurance commissioners or regulatory or law enforcement
agencies is not subject to civil liability for making this
information available, and a civil cause of action may not
arise against these entities or their respective agents or
employees as a result of reporting or providing information
under this section.'

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40 Further amend the bill in section 24 in that part designated
42 "~~§1420-N.~~" in subsection 6 by striking out all of the first
indented paragraph and inserting in its place the following:

44 '6. Confidentiality. Subject to limitations set out in
46 this subsection, any documents, materials or other information in
48 the control or possession of the bureau that is furnished by an
insurer or producer or an employee or agent acting on behalf of
the insurer or producer or that is obtained by the superintendent
in an investigation pursuant to this section is confidential, is
not subject to subpoena and is not subject to discovery or

COMMITTEE AMENDMENT

2 admissible in evidence in any private civil action except by a
3 court order for good cause.'

4 Further amend the bill in section 24 in that part designated
5 "§1420-N." in subsection 6 in paragraph B in the last 2 lines
6 (page 26, lines 25 and 26 in L.D.) by striking out the following:
7 "subject to paragraph A" and inserting in its place the
8 following: 'except as ordered by a court for good cause'

10 Further amend the bill in section 24 in that part designated
11 "§1410-N." in subsection 6 in paragraph C in subparagraph (1) in
12 the next to the last line (page 26, line 41 in L.D.) by striking
13 out the following: "and privileged status"

14 Further amend the bill by inserting after section 45 the
15 following:

16
17 'Sec. 46. 24-A MRSA §1493, sub-§5, ¶B, as amended by PL 1999,
18 c. 127, Pt. A, §37 and affected by §38, is further amended to
19 read:

20
21 B. The application for registration must include the name
22 and address of the insurer with whom the producer has an
23 appointment pursuant to section 1441-A 1420-M and with whom
24 the producer has a written contract pursuant to section
25 1494, a statement of the duties that the producer is
26 expected to perform on behalf of the insurer, the lines of
27 insurance for which the producer is to be authorized to act
28 and any other information the superintendent requests.'

29 Further amend the bill by striking out all of section 50.

30
31 Further amend the bill by relettering or renumbering any
32 nonconsecutive Part letter or section number to read
33 consecutively.

34
35 Further amend the bill by inserting at the end before the
36 summary the following:

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42 **·FISCAL NOTE**

43 The Bureau of Insurance within the Department of
44 Professional and Financial Regulation will incur some minor
45 additional costs to adapt to various changes associated with
46 adopting the Producer Licensing Model Act of the National
47 Association of Insurance Commissioners. These costs can be
48 absorbed within the bureau's existing budgeted resources.'

SUMMARY

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4 This amendment clarifies the immunities provision in the
6 bill. The amendment also clarifies that documents or other
8 material held by the Department of Professional and Financial
10 Regulation, Bureau of Insurance relating to the licensing of an
12 insurance producer is confidential and not subject to subpoena or
discovery in a private civil action unless disclosure is ordered
by a court for good cause.

10

12 The amendment also corrects cross-references and adds a
fiscal note to the bill.