

MAINE STATE LEGISLATURE

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7/23/05

L.D. 409

DATE: 3.23.05

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INSURANCE AND FINANCIAL SERVICES

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 133, L.D. 409, Bill, "An Act To Clarify the Superintendent of Insurance's Authority To Assess Civil Penalties"

Amend the bill in section 1 in subsection 1 by striking out all of the last blocked paragraph (page 1, lines 27 to 41 in L.D.) and inserting in its place the following:

'The superintendent, following an adjudicatory hearing, may assess a civil penalty of up to \$500 for each violation in the case of an individual and a civil penalty of up to \$10,000 for each violation in the case of a corporation or other entity other than an individual, unless the applicable law specifies a different civil penalty. The superintendent shall notify the Attorney General or the Attorney General's designee of any such adjudicatory hearing at the time that the notice of hearing is issued by the superintendent. The superintendent may not assess a civil penalty only if the Attorney General elected-not notifies the superintendent that the Attorney General intends to pursue an action in Superior Court to seek civil penalties for the same conduct. The-Atterney-General-shall-notify-the-superintendent-in writing-whether-or-not-the-Attorney-General-elects-to-pursue-an action-in-Superior-Court-within-90-days-after-receiving-a-request from-the-superintendent-for-such-an-action. If the Attorney General elects to pursue the noticed action in Superior Court, the Attorney General shall notify the superintendent of that decision no later than 7 days prior to the hearing.'

COMMITTEE AMENDMENT

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SUMMARY

4 This amendment amends the Maine Revised Statutes, Title
6 24-A, section 12-A to delete the provision requiring the
8 Superintendent of Insurance to give the Attorney General 90 days
10 to elect to pursue a disciplinary action in Superior Court before
12 the superintendent may proceed with an administrative action in
 the matter. The amendment clarifies that the Superintendent of
 Insurance may not assess a civil penalty if the Attorney General
 elects to pursue an action in Superior Court for the same conduct.