

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 2004

H.P. 1490

House of Representatives, March 2, 2022

An Act To Ensure Fairness of Representation in Insurance Disputes

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Received by the Clerk of the House on February 28, 2022. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MARTIN of Eagle Lake.

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

2 **Sec. 1. 24-A MRSA §2910-C** is enacted to read:

3 **§2910-C. Selection of attorneys**

4 An insurer may not require an insured person to select an attorney other than one of the
5 insured person's own choosing to provide legal services in a dispute related to the casualty
6 insurance contract in effect between the insurer and the insured person.

7 **Sec. 2. 24-A MRSA §2910-D** is enacted to read:

8 **§2910-D. Attorney's fees**

9 In a dispute in which an insurer provides insurance to more than one of the parties to
10 the matter under dispute, the insurer shall pay reasonable attorney's fees for all of the parties
11 to that dispute that the insurer insures.

12 **Sec. 3. 24-A MRSA §3044** is enacted to read:

13 **§3044. Selection of attorneys**

14 An insurer may not require an insured person to select an attorney other than one of the
15 insured person's own choosing to provide legal services in a dispute related to the property
16 insurance contract in effect between the insurer and the insured person.

17 **Sec. 4. 24-A MRSA §3045** is enacted to read:

18 **§3045. Attorney's fees**

19 In a dispute in which an insurer provides insurance to more than one of the parties to
20 the matter under dispute, the insurer shall pay reasonable attorney's fees for all of the parties
21 to that dispute that the insurer insures.

22 **SUMMARY**

23 This bill requires property and casualty insurers to allow insured persons to select an
24 attorney in an insurance dispute and requires insurers to pay attorney's fees for the parties
25 that an insurer insures in the event of a dispute in which the insurer insures more than one
26 of the parties.