

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

CHAPTER 320

AN ACT Relating to the Exclusion or Modification of Warranties on Used Consumer Goods.

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

11 MRSA § 2-316, sub-§ 5, as enacted by PL 1973, c. 444, is amended to read:

(5) The provisions of subsections (2), (3) and (4) shall not apply to sales of ~~new or unused~~ consumer goods or services. Any language, oral or written, used by a seller or manufacturer of consumer goods and services, which attempts to exclude or modify any implied warranties or merchantability and fitness for a particular purpose or to exclude or modify the consumer's remedies for breach of those warranties, shall be unenforceable. Consumer goods and services are those ~~new or used~~ goods and services, including mobile homes, which are used or bought primarily for personal, family or household purposes.

(a) A violation of sections 2-314, 2-315 or 2-316, arising from the retail sale of consumer goods and services, shall constitute a violation of Title 5, chapter 10, Unfair Trade Practices Act.

Effective October 1, 1975

CHAPTER 321

AN ACT Regarding Late Payment of Insurance Claims.

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

24-A MRSA § 2436, first ¶, as enacted by PL 1973, c. 480, is repealed and the following enacted in place thereof:

Claims made by a named or other person insured thereunder for payment of benefits under a policy of insurance against loss, delivered or issued for delivery within this State, are payable within 30 days of the date that the insurer receives a completed proof of loss form, any reasonably required supporting information and the amount of loss realized, but in no event shall such period of time for payment exceed 60 days where reasonable proof of loss and amount of loss realized is provided. Unless the insurer notifies the insured in writing within 30 days from the receipt of the completed proof of loss form with reasonably required supporting information and amount of loss realized, or within 60 days from the receipt of other reasonable proof of loss, that the fact or amount of loss is disputed, payments of claims are overdue if not paid within said applicable period of time. If the insurer disputes only part of the claim, the remainder of the claim is overdue if not paid within 30 days of receipt of proof of loss and amount of loss. Any part or all of the disputed part of the claim that is later supported by reasonable proof that is not further disputed is also overdue if not paid within 30 days after such proof is received by the insurer.

Effective October 1, 1975