

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

to serve until elections are held for the revised districts.

See title page for effective date.

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## CHAPTER 165

H.P. 338 - L.D. 428

**An Act to Modify the Bureau of Insurance Complaint Ratios and to Increase the Amount of Penalties Assessed Against Violators of the Maine Insurance Code**

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

### PART A

**Sec. A-1. 24-A MRSA §216, sub-§2**, as amended by PL 1997, c. 314, §1, is further amended to read:

2. All records of the bureau are subject to public inspection, except as otherwise expressly provided by law as to particular matters; and except that records, correspondence and reports of investigation in connection with actual or claimed violations of this Title or prosecution or disciplinary action for those violations are confidential. The confidential nature of any such record, correspondence or report may not limit or affect use of the same by the superintendent in any such prosecution or action. This subsection does not preclude participation by the superintendent in the establishment of an interstate complaint handling system that may involve the sharing of information with insurance regulatory officials in other jurisdictions and with the National Association of Insurance Commissioners, as long as the names of the complainant and insured remain confidential. This subsection does not preclude the dissemination of aggregate ratios of ~~substantiated~~ consumer complaints to the public by the superintendent. Only complaints received in writing are included in the calculation of the complaint ratio. A complaint received by electronic means is considered a written complaint. ~~A substantiated consumer complaint includes any matter in which the resolution results in a favorable outcome to the consumer, including, but not limited to, the recovery of premium refunds, additional amounts paid on claims or policy reinstatements. A matter in which the actions of an insurer are in violation of this Title is deemed a substantiated complaint.~~ For the purposes of this subsection, a "consumer complaint" means any written complaint that results in the need for the bureau to conduct further investigation or to communicate in writing with a regulated entity for a response or resolution to the complaint. The superintendent

shall adopt rules necessary to define the method for calculating complaint ratios. Rules adopted pursuant to this subsection are ~~major-substantive~~ routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

### PART B

**Sec. B-1. 24-A MRSA §12-A, sub-§1**, as repealed and replaced by PL 1997, c. 634, Pt. B, §1, is amended to read:

1. **Civil penalty.** Civil penalties may be assessed against any person who:

- A. Violates any provision of this Title, Title 24 or any other law enforced by the superintendent;
- B. Violates any rule lawfully adopted by the superintendent; or
- C. Violates any lawful order of the superintendent that has not been stayed by order of the superintendent or the Superior Court.

The Superior Court, upon an action brought by the Attorney General, may assess a civil penalty of not less than \$500 and not more than \$5,000 for each violation in the case of an individual and not less than \$2,000 and not more than \$15,000 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, 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 ~~\$2,000~~ \$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 may assess a civil penalty only if the Attorney General elected not to pursue an action in Superior Court to seek civil penalties. The Attorney 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.

See title page for effective date.

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## CHAPTER 166

S.P. 561 - L.D. 1723

**An Act to Amend the Maine Athletic Commission Laws**