

§3555. Powers of the superintendent

1. Designate additional acting directors. If at any time during an acute emergency, the number of directors or acting directors of a domestic insurance organization who are capable of acting shall be less than 3, as determined by the superintendent after a reasonable investigation, the superintendent shall have the power to designate additional acting directors in such number as will bring to 3 the number of directors and acting directors who are capable of acting.

[PL 1973, c. 585, §12 (AMD).]

2. Resolve controversies. To resolve controversy as to the power of any group of persons purporting to act as an emergency board of directors so to act, the superintendent shall, upon a determination that such action will tend to promote the safe and sound and orderly conduct of the business of any domestic insurance organization, have power to issue orders declaring that any such group shall or shall not have the powers of an emergency board of directors, or confirming, modifying or vacating in whole or in part any action taken or purportedly taken by any such group or by removing any acting director.

[PL 1973, c. 585, §12 (AMD).]

3. Declare provisions of law operative or inoperative. At any time after an attack, upon the superintendent's determination that such action will tend to promote certainty as to the powers of insurance organizations or individuals pursuant to this chapter or that such action is desirable to enable insurance organizations to take preparatory precautions prior to the occurrence of an acute emergency, the superintendent has power to declare that any provision of this chapter that the superintendent specifies is operative with respect to any domestic insurance organization or to the Maine business of any other insurance organization that the superintendent may designate. Upon such declaration such organization and its directors, officers, acting directors and acting officers have all powers conferred by this chapter. The failure of the superintendent so to declare may not be construed to limit the powers of any organization or its directors, officers, acting directors or acting officers when an acute emergency exists in fact.

At any time after the commencement of an acute emergency or after the superintendent declares any provision of this chapter operative under this subsection upon the superintendent's determination that an insurance organization is able, in whole or in part, to carry on its business in compliance with its charter and the laws, other than this chapter, the superintendent has power to declare that any provision of this chapter that the superintendent specifies is inoperative with respect to any domestic insurance organization or in the Maine business of any other insurance organization that the superintendent may designate. Upon such declaration, such organization is governed by its charter and the provisions of law other than this chapter, except insofar as they remain inoperative.

[RR 2021, c. 1, Pt. B, §305 (COR).]

4. Possession of business and property. Upon the determination that, as a result of an acute emergency, the business and affairs of an insurance organization cannot otherwise be conducted in a safe and sound manner, the superintendent may forthwith take possession of the business and property of the insurance organization within this State or, if a domestic insurance organization, its business and property wherever situated. This chapter is applicable in any case in which the superintendent takes possession of an insurance organization under this subsection as though the insurance organization were an insurer of which the superintendent had taken possession under this chapter, except that any such provision is not applicable that the superintendent has declared inapplicable under this subsection. The superintendent has power to declare inapplicable any such provision upon the superintendent's determination that the same is inappropriate or unnecessary to protect the interest of the public or the stockholders or creditors of the insurance organization, in view of the acute emergency and the nature of the organization.

[RR 2021, c. 1, Pt. B, §306 (COR).]

5. When powers exercised. The powers given the superintendent by subsections 2 and 4 may be exercised by the superintendent only in the event that there is not a court of competent jurisdiction available to which an application can be made for an order permitting the superintendent to exercise such powers with respect to a particular insurance organization. The powers conferred by subsection 4 may not be exercised in a case of an insurance organization that is not insolvent within the meaning of this chapter, unless the superintendent finds that such insurance organization lacks personnel able to manage its business in the interest of the public stockholders and policyholders.

[RR 2021, c. 1, Pt. B, §307 (COR).]

6. Regulations. The superintendent shall have power to issue general and specific regulations, directives and orders consistent with and in furtherance of the purposes of this chapter.

[PL 1973, c. 585, §12 (AMD).]

SECTION HISTORY

PL 1969, c. 132, §1 (NEW). PL 1973, c. 585, §12 (AMD). RR 2021, c. 1, Pt. B, §§305-307 (COR).

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