

CHAPTER 316**ARSON REPORTING IMMUNITY ACT****§2411. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1981, c. 404, §2 (NEW).]

1. Action. "Action" includes nonaction or the failure to take action. [PL 1981, c. 404, §2 (NEW).]

2. Authorized agencies. "Authorized agencies" means:

A. Attorney General; [PL 1981, c. 404, §2 (NEW).]

B. District attorney responsible for prosecution in the municipality where the fire occurred; [PL 1981, c. 404, §2 (NEW).]

C. The Federal Bureau of Investigation, or any other federal agency, only for the purposes of section 2412; [PL 1981, c. 404, §2 (NEW).]

D. State Fire Marshal; [PL 1981, c. 404, §2 (NEW).]

E. Superintendent of Insurance; [PL 1981, c. 404, §2 (NEW).]

F. United States Attorney's office when authorized or charged with investigation or prosecution of the fire in question, only for the purposes of section 2412. [PL 1981, c. 404, §2 (NEW).]
[PL 1981, c. 404, §2 (NEW).]

3. Immune. "Immune" means that in the absence of fraud or malice, no insurance company or person who furnished information on its behalf to an authorized agency is liable for damages in a civil action or subject to criminal prosecution for furnishing information pursuant to this chapter. [PL 1981, c. 404, §2 (NEW).]

SECTION HISTORY

PL 1981, c. 404, §2 (NEW).

§2412. Disclosure of information

1. Information disclosed. Any authorized agency investigating a fire loss may, in writing, require the insurance company at interest to release to the requesting agency any or all relevant information or evidence deemed important to the authorized agency, which the company may have in its possession relating to the fire loss in question. This information includes, but is not limited to:

A. History of previous claims made by the insured; [PL 1981, c. 404, §2 (NEW).]

B. Insurance policy information relevant to a fire loss under investigation and any application for that policy; [PL 1981, c. 404, §2 (NEW).]

C. Material relating to the investigation of the fire loss including statements and proof of loss; and [PL 1981, c. 404, §2 (NEW).]

D. Policy premium payment records. [PL 1981, c. 404, §2 (NEW).]
[PL 1981, c. 404, §2 (NEW).]

2. Notification. When an insurance company has reason to believe that a fire loss in which it has an interest was not accidentally caused, it shall, in writing, notify an authorized agency and provide it with information developed from the company's inquiry into the fire loss. [PL 1981, c. 404, §2 (NEW).]

3. Exchange of information. The authorized agency provided with information pursuant to this section may release or provide that information to any other authorized agency.

[PL 1981, c. 404, §2 (NEW).]

4. Right to receive upon request. Any insurance company providing information to an authorized agency pursuant to this section shall have the right, upon request, to receive other information relevant to the fire loss, from such authorized agency, within 30 days.

[PL 1981, c. 404, §2 (NEW).]

5. Immunity. Any insurance company, or person acting on its behalf, or authorized agency which releases information pursuant to this section, is immune from civil or criminal liability.

[PL 1981, c. 404, §2 (NEW).]

SECTION HISTORY

PL 1981, c. 404, §2 (NEW).

§2413. Evidence

1. Confidentiality. Any authorized agency or insurance company which receives any information pursuant to this chapter shall hold it in confidence and not release the information, except to another authorized agency, until its release is required for a criminal or civil proceeding.

[PL 1981, c. 404, §2 (NEW).]

2. Testimony. Personnel of any authorized agency may be required to testify by subpoena in any litigation in which the insurance company at interest is named as a party.

[PL 1981, c. 404, §2 (NEW).]

SECTION HISTORY

PL 1981, c. 404, §2 (NEW).

§2415. Reporting by health care practitioner

1. Reasonable cause to suspect; information disclosed. A health care practitioner, as defined by Title 24, section 2502, subsection 1-A, who, as a result of the practitioner's examination or treatment of a person for a burn injury, has reasonable cause to suspect that the burn injury was sustained in connection with an act of arson, may report to the Office of the State Fire Marshal. The health care practitioner's report may include the name and address of the person examined or treated, the basis for the practitioner's suspicion and other information which, in the judgment of the practitioner, may aid in investigation by the Office of the State Fire Marshal.

[PL 1989, c. 267 (NEW).]

2. Immunity. A health care practitioner who, acting in good faith in reporting under this section or participating in a related investigation or proceeding, makes a report pursuant to subsection 1 is immune from civil or criminal liability for the act of reporting or participating in a related investigation or proceeding. Good faith does not include instances when a false report is made and the person knows the report is false. Nothing in this section may be construed to bar criminal or civil action regarding perjury.

[PL 1989, c. 267 (NEW).]

3. Presumption of good faith. In a proceeding regarding immunity from liability, there shall be a rebuttable presumption that a report made under subsection 1 was made in good faith.

[PL 1989, c. 267 (NEW).]

4. Privileged or confidential communications. The physician-patient privilege under the Maine Rules of Evidence is abrogated in relation to a report authorized under subsection 1.

[PL 1989, c. 267 (NEW).]

SECTION HISTORY

PL 1989, c. 267 (NEW).

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