

**§2323. Recording and reporting of loss and expense experience**

1. The superintendent, acting pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, may promulgate reasonable rules and statistical plans, reasonably adopted to each of the rating systems on file, which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss and countrywide expense experience, in order that the experience of all insurers be made available at least annually in such form and detail as may be necessary to aid the superintendent in determining whether rating systems comply with the standards set forth in section 2303. Such rules and plans may also provide for the recording and reporting of expense experience items which are specially applicable to this State and are not susceptible of determination by a prorating of countrywide expense experience. The superintendent may also adopt reasonable rules for companies to use in recording and reporting to the superintendent their rates and other information determined to be necessary or appropriate for the administration of this chapter and the effectuation of its purposes.

[PL 1989, c. 797, §26 (AMD); PL 1989, c. 797, §§37, 38 (AFF).]

2. In promulgating such rules and plans, the superintendent shall give due consideration to the rating systems on file with him, and in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system filed by it.

[PL 1973, c. 585, §12 (AMD).]

3. The superintendent may designate one or more rating organizations, advisory organizations or other agencies to assist in gathering such experience and making compilations thereof, and such compilations shall be a public document.

[PL 1989, c. 797, §27 (AMD); PL 1989, c. 797, §§37, 38 (AFF).]

4. Each insurer shall report its loss or expense experience to the lawful rating organization, advisory organization or agency of which it is a member or subscriber, but is not required to report its loss or expense experience to any rating organization, advisory organization or agency of which it is not a member or subscriber. Any insurer not reporting such experience to a rating organization, advisory organization or other agency may be required to report such experience to the superintendent. Any report of such experience of any insurer filed with the superintendent is confidential and may not be revealed by the superintendent to any other insurer or other person, but the superintendent may make compilations including such experience.

[PL 2011, c. 320, Pt. A, §8 (AMD).]

**5. Group self-insurer.** As used in this section, "insurer" shall include:

A. Insurer as defined in section 4; and [PL 1979, c. 658, §2 (NEW).]

B. Group self-insurer as defined in Title 39-A, section 403. [PL 1991, c. 885, Pt. E, §28 (AMD); PL 1991, c. 885, Pt. E, §47 (AFF).]

[PL 1991, c. 885, Pt. E, §28 (AMD); PL 1991, c. 885, Pt. E, §47 (AFF).]

**SECTION HISTORY**

PL 1969, c. 132, §1 (NEW). PL 1973, c. 585, §12 (AMD). PL 1977, c. 694, §418 (AMD). PL 1979, c. 658, §2 (AMD). PL 1989, c. 797, §§26,27,37, 38 (AMD). PL 1991, c. 885, §E28 (AMD). PL 1991, c. 885, §E47 (AFF). PL 2011, c. 320, Pt. A, §8 (AMD).

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