



April 9, 2026

Robert L. Carey
Superintendent of Insurance
34 State House Station
Augusta, ME 04333

Re: Maine Bureau of Insurance proposed Rule Chapter 161, *Surplus Lines Insurers*

Dear Superintendent Carey:

Thank you for all of your work on this bulletin and collaborative approach. APCIA shares the concerns of the Wholesale & Specialty Insurance Association (WSIA). Their letter of February 24, 2026 does an excellent job of explaining the existing surplus lines statutory framework and ways proposed Rule 161, Section 3(3), may cause harm. In addition to their explanation, we wanted to make two additional points:

1. The proposed Section 3(3) changes are not required by LD.1837. The Notice of Rulemaking explains that the proposed rule will “update provisions relating to surplus lines insurers to reflect changes made in statute by PL 2025, Chapter 53 (LD 1837).” However, the changes described by WSIA and below, do not appear to be covered by the recent statutory update.
2. The proposed Section 3 changes exceed the current Section 3, which to our knowledge has worked well for the surplus lines market and Maine residents and businesses for over 50 years. While there are many similarities and we appreciate removing the required listing of reinsurers, APCIA shares WSIA’s concern that adding new requirements in Chapter 161(3)(3)(I) a plan of operation and (K) certification of compliance are onerous and duplicative. These elements seem to go beyond the current requirements in Chapter 160(4)(A)(2) requiring a copy of a corporation’s by-laws and charter, and (4)(A)(4) requiring from foreign insurers a certificate of compliance and deposit from the domiciliary state. As WSIA noted, insurers are already subject to significant domiciliary oversight. Adding administrative burdens in other states that do not provide clear added benefits may harm the surplus lines market.

Thank you for your consideration. Please don’t hesitate to reach out if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Schreiber", is written over a light blue horizontal line.

Jonathan Schreiber
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