

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1947 - 1948**

In order to cooperate with the Social Security Administration, I rule that the Commissioner will be justified in allowing that item in the interpretation of the right to a fair hearing as set forth in the handbook of the Public Assistance Administration.

RALPH W. FARRIS  
Attorney General

July 31, 1947

To David H. Stevens, Commissioner of Health and Welfare  
Re: Law Relating to the Confidential Nature of Records

I have your memo of July 31st stating that representatives of the Social Security Administration have expressed concern in regard to possible violations of the State law and incidentally the Social Security Act, relating to the confidential nature of records. You state that there have apparently been some rumors that the information made available to the State Legislature in regard to recipients of old age assistance and aid to dependent children has been handled in such a manner, presumably by individual members of the legislature, that our State law in regard to the confidential nature of this material has been violated. You further state that such information as your department has available consists merely of rumors and no specific member of the legislature is involved.

You also state that when you discussed this matter with representatives of the Social Security Administration, you suggested that it might be advisable for this office to write to the members of the legislature, reminding them of the provisions of our State law, and you inquire whether or not I believe it desirable to write to all members of the legislature.

In my opinion I deem it inadvisable to write to any member of the legislature unless we have specific evidence that some member has violated the statute in this regard. In writing to all members we should be casting reflections on all of them; and while one or a few might be violators, it would not bind the State of Maine. I should like to have specific information and evidence that a particular member of the legislature has violated the statute in regard to confidential records before I act, so that I can take it up with that member individually and the other members will not know anything about it. Under our form of government, the law-making body is the superior power in the State and municipal law is a rule of action prescribed by a superior power in the State, commanding what is right and prohibiting what is wrong. If the legislature has declared that the use of such records, papers, files and communications of the Department of Health and Welfare is limited by law to the purpose for which they are furnished by any other agency or department of government, the fact that some member of another department of the State government violated this provision of the legislature would not in any way bind the whole department or even the State of Maine; but such violators should be ferreted out and called to account. Of course allegations cannot be based on rumors, because anyone accused of violating laws has a right to be heard in his defense. That is the reason I should like to know the name of the member of any department of government who has violated the law regarding confidential records in your department.

RALPH W. FARRIS  
Attorney General