

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Freedom of Access Insurance Complaints
Insurance Bureau: Freedom of Access
24-A M.R.S.A. § 216

JOSEPH E. BRENNAN
ATTORNEY GENERAL



RICHARD S. COHEN
JOHN M. R. PATERSON
DONALD G. ALEXANDER
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

January 19, 1977

Honorable Mary E. Kane
House of Representatives
State House
Augusta, Maine

Dear Representative Kane:

This letter responds to your oral request for an opinion of this office which you made on January 12, 1977. You asked whether complaints by consumers to the Bureau of Insurance are secret and therefore unavailable for public inspection. The answer to your question is affirmative.

Generally speaking, public records are made available for public inspection. 1 M.R.S.A. § 408. However, the definition of what constitutes a "public record" excludes records that have been designated confidential by statute. 1 M.R.S.A. § 402, 3, A. Title 24-A M.R.S.A. § 216 deals specifically with records of the Bureau of Insurance as follows, in pertinent part:

"2. All records of the Bureau shall be subject to public inspection, except as otherwise expressly provided by law as to particular matters; and except that records, correspondence and reports of investigation in connection with actual or claimed violations of this Title or prosecution or disciplinary action therefor shall be confidential."

Since consumer complaints may well claim violations of the Insurance Code and result in disciplinary action, they are made confidential by statute and would be exempt from public inspection provisions.

Please continue to call on us when you feel we may be of assistance.

Sincerely,

A handwritten signature in cursive script that reads "S. Kirk Studstrup".

S. KIRK STUDSTRUP
Assistant Attorney General

SKS/ec
cc: Frank M. Hogerty, Jr.
Superintendent of Insurance