

MAINE STATE LEGISLATURE

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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

80-7

January 16, 1980

Kenneth A. Moore, Acting Director
Bureau of Veterans Services
State House
Augusta, Maine 04333

Re: Conflict in Statutes Regarding Confidentiality of
Banking Records.

Dear Mr. Moore:

This responds to your request for an opinion regarding the possible conflict between 9-B M.R.S.A. § 162, prohibiting fiduciary institutions from disclosing a customer's financial records, and 22 M.R.S.A. § 4492, permitting the Director of the Bureau of Veterans Services, among others, to secure information about persons applying for pensions from the treasurers of certain financial institutions.

While there is an apparent conflict in the language of these two provisions, it is our opinion that such conflict can be alleviated by including in your application forms specific language either waiving the applicant's rights under 9-B M.R.S.A. § 162 or authorizing disclosure of the financial records covered by § 162, as permitted by sub-§ 1 of that section.^{1/} The inclusion of such language, to be signed by the applicant, would eliminate any doubts with regard to the authorization of the Bureau of Veterans Services

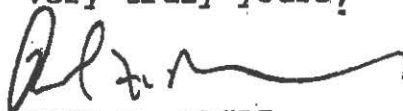
^{1/} Nothing in this opinion is to be construed as expressing the view that the Bureau may condition entitlement to a pension or other benefit on a waiver or authorization of the confidentiality guaranteed by § 162. This is an issue which we find it unnecessary to address herein.

to receive such information. We would, of course, be happy to aid the Bureau in drafting any language which you might wish to place in its application forms.

Of course, the most certain method of reconciling this conflict would be to seek clarifying legislation. We would also be willing to aid the Bureau in drafting such legislation.

I hope this information aids you in dealing with the problem expressed in your memorandum. I am,

Very truly yours,



PAUL F. MACRI
Assistant Attorney General

PFM/ec

cc: Roy Gove, Deputy Superintendent
Bureau of Banking