



Paul R. LePage  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
BUREAU OF INSURANCE  
34 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0034

Eric A. Cioppa  
Superintendent

February 3, 2017

Sigmund D. Schutz, Esq.  
Preti, Flaherty, Beliveau & Pachios, LLP  
One City Center  
Portland, Me 04101

RE: Agency Policy or Procedure Applicable to Freedom of Access Act  
Requests  
Your January 25, 2017 letter

Dear Mr. Schutz:

In reply to your letter, Freedom of Access Act requests for documents received at the Maine Bureau of Insurance are referred to my attention as the public access officer designated pursuant to 1 M.R.S. §413. The Bureau does not have a written manual relating to handling of requests, however we utilize procedures compliant with the Access Law. Receipt of requests is acknowledged within five working days. The internal process is to first conduct a diligent search to identify records within the scope of the request. Depending on the nature of the request, this may involve my working with other Bureau staff and work units and/or occasionally state information technology staff. It may also involve a need for clarification of the documents sought. Once responsive records have been identified, the Bureau determines whether any are subject, in whole or in part, to an exception to the definition of "public records". See 1 M.R.S. §402(3)(B). If so, the Bureau's response to the requesting party will either note records withheld and the ground(s) for withholding or provide redacted copies of documents as appropriate. While some responses are made quickly and without material cost or staff time, a time/cost of response estimate is provided if that's not the case. The Bureau obtains the requesting party's agreement to payment for costs to be billed before documents are provided if there was not a preauthorization included within the request.



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[www.maine.gov/insurance](http://www.maine.gov/insurance)

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Due to the nature of the Bureau's work, it receives filings of documents from regulated entities which they assert would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials if the records or inspection thereof were sought in the course of a court proceeding. See 1 M.R.S. 402(3)(B)(2). In recognition of legal rights of both filing and requesting parties, the Bureau has developed a confidentiality protocol for handling of those documents:

[http://www.maine.gov/pfr/insurance/company/confidential\\_treatment.htm](http://www.maine.gov/pfr/insurance/company/confidential_treatment.htm) .

Last, we would note that in recent years many public records that were previously the subject of frequent Access Law requests to the Bureau are now publicly available online on a self-serve basis. This includes, among other things, individual and business entity licensing information, hearing decisions, consent agreements, most insurance company form and rate filings and correspondence regarding those filings, all insurance company annual statements of financial condition and all recent reports of Bureau financial and market conduct examinations of Maine domestic insurers. This transparency has reduced the volume of document requests to the Bureau as well as the time required to respond to those requesters who can simply be directed to our website, [www.maine.gov/pfr/insurance](http://www.maine.gov/pfr/insurance).

Sincerely,



Thomas M. Record  
Senior Staff Attorney