

STATUTE: 24-A MRSA §216, sub-§§2 and 5

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 22 through 24-A; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

Section 216(2) is the general records provision in Title 24-A. It provides that the Bureau's records are public unless "otherwise expressly provided by law as to specific matters." It also creates a public records exception for records, correspondence and reports of investigation in connection with actual or claimed violations of the Insurance Code. The exception does not prevent the Bureau from using those records in connection with prosecutions or disciplinary action. The Bureau receives a large number of FOAA requests for records subject to this exception, sometimes in connection with broad requests for other public records and sometimes isolated to requests for all complaint files involving a particular entity or entities or in some cases involving specific issues. Although we do not have a precise number of these queries, we would estimate at least one a month on average. If the Bureau has complaint or investigation records that are within the scope of a request, we inform the requesting party that the records exist, but are not being provided as they fall within the subsection 2 exception.

The Bureau has additional experience with this subsection in the context of specific consumer complaints. Upon receiving a complaint, the Bureau normally gathers necessary information from the respondent, however we do not provide a copy of the complaint to the subject nor do we provide copies of the respondent's

reply or supporting documentation to the complainant. Bureau staff provides a statement of the agency's determinations to the complainant.

Subsection 5 allows the Bureau to share and receive otherwise confidential information with other state agencies and with public officials in other jurisdictions subject to agreements of each agency to maintain the same level of confidentiality as is available under Maine law and a demonstration of the legal ability to do so. These Information Sharing Agreements are formal documents and can apply to general or specific matters.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

Subsection 2: The Bureau supports continuing the current exception with regard to our investigatory records. We strongly believe confidential protection is necessary to maintain the integrity of the investigatory process. Were complaint records considered public, consumers might be less willing to file complaints and regulated entities less willing to respond fully to Bureau inquiries. Although the Bureau has statutory authority to get information from licensees (see 24-A M.R.S. § 220), complaint discussions go more smoothly if both parties understand they can talk with us in confidence. Consumer complaints also contain information of a traditionally private nature, such as personal health information, that might not be excepted from the definition of "public records." The Bureau also has a market regulation interest in maintaining confidentiality as to complaints that do not turn out to involve a violation of law.

Subsection 5: The Bureau supports continuing this exception. Cooperating with other regulatory agencies is essential to the Bureau's ability to investigate entities that operate other jurisdictions.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

Subsection 2: Several complainants have sought access to all Bureau documents in their respective complaint files within the last 15 years. The first complainant to do so subpoenaed the records, and the Superior Court heard the Bureau's motion to quash. Judge Brennan issued a protective order using a two-tier approach in which the Bureau was ordered to sort the complaint records into two binders for his review. One contained lower sensitivity documents; the other, more sensitive documents that related to the Bureau's substantive work on the complaint. Counsel to the complainant was allowed access on a "view only" basis only to the documents the court considered to be of low sensitivity. The court required counsel to identify specific documents in the Bureau's privilege log of the high sensitivity documents if he wanted access to those documents. The

Bureau has entered into several protective orders since then with counsel who have sought complaint or investigation records.

Subsection 5: The Bureau has not experienced problems with this exception. The provision is sufficiently clear.

4. Does your agency recommend changes to this exception?
The Bureau does not recommend any changes to either exception.
5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.
Maine Trial Lawyers Association (Susan Faunce); Maine Association of Health Plans (Katherine Pelletreau), America's Health Insurance Plans (Joseph Mackey), Maine Association of Insurance Companies (Charles Soltan), American Property Casualty Insurance Association (Bruce Gerrity), Maine Insurance Agents Association and National Association of Insurance and Financial Advisors – Me (Daniel Bernier), Unum (Charles Piacentini), Anthem (Kristine Ossenfort).
6. Please provide any further information that you believe is relevant to the Advisory Committee's review.
n/a

STATUTE: 24-A MRSA §222, SUB-§13 [REPEALED—NO ACTION NEEDED]

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

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Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).
2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.
3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?
4. Does your agency recommend changes to this exception?
5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.
6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

STATUTE: 24-A MRSA §222, sub-§13-A

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

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Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This exception protects several categories of documents relating to insurance holding company systems, including examination papers, highly sensitive internal analyses that domestic insurers are required to file, corporate records of privately held businesses, and documents shared on a confidential basis with regulators supervising affiliated companies. Records held by the Bureau or NAIC are confidential without prior written consent of the insurer unless the Bureau determines that making the documents public will serve the interests of policyholders or the public. Records subject to this exception are filed annually, and in connection with various corporate transactions. Although some filings consist primarily of documents that are within the public domain, the filing parties in those cases will typically seek confidential handling of only limited portions of the filings, for example, discussions of future business plans. In situations where intervenors may be participating in a proceeding involving a transaction subject to this exception, the Bureau has been able to issue appropriate protective orders to allow intervenor access to the records while preserving protection of information where warranted as to the world.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The agency supports continuation of this exception. The exception is in the NAIC Model Insurance Holding Company System Regulatory Act, which is a national standard for insurance regulators. Additionally, as described above, the exception provides a workable framework that balances the need to protect the business records of private entities where appropriate with the need for substantial transparency in reviewing the covered transactions. Earlier this year, the Legislature amended subsection 13-A through PL 2021, ch. 521, to conform the law to changes made to the NAIC model mentioned above and to keep the Bureau current in its accreditation standards.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

Problems and disputes relating to this exception are rare. While transactions within the scope of these exceptions sometimes give rise to administrative proceedings in which litigants may have occasional disagreements regarding access to corporate records, those disagreements have been resolved in a manner that has reasonably accommodated the interests of all parties.

4. Does your agency recommend changes to this exception?

No

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Domestic insurer interests including Maine Association of Health Plans (Katherine Pelletreau), Maine Association of Insurance Companies (Charles Soltan), American Property Casualty Insurance Association (Bruce Gerrity), Unum (Charles Piacentini), and Anthem (Kristine Ossenfort); also Consumers for Affordable Health Care (Ann Woloson).

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

n/a

STATUTE: 24-A MRSA §225, sub-§3

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

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Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This exception is one of several provisions (see Ref. 99 and Ref. 100) that govern the status of documents relating to examinations of regulated entities conducted by the agency. Working papers of examiners as well as information and documents disclosed to or obtained by agency examiners during the course of an examination are confidential. Requests for these records are extremely infrequent, but when requested the exception has been used as a ground for denial. In 2021, the Bureau joined as an amicus a proceeding in California in order to defend a similar confidentiality provision in that state's insurance law. The case was resolved without a decision on the merits.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Bureau supports continuing this exception. Examiners, typically on site at insurance companies, have unlimited access to corporate records and information in order to determine the company's financial condition. If otherwise generally accepted private business records were to be considered public records, it is likely that access would be limited. The Bureau believes confidentiality of examination work papers is universal in all U.S. jurisdictions. See above.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The Bureau does not believe there have been any problems in the application of this exception, and we think the language is sufficiently clear

4. Does your agency recommend changes to this exception?

The Bureau does not recommend any changes to this exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Maine Association of Health Plans (Katherine Pelletreau), America's Health Insurance Plans (Joseph Mackey), Maine Association of Insurance Companies (Charles Soltan), American Property Casualty Insurance Association (Bruce Gerrity), Maine Insurance Agents Association and National Association of Insurance and Financial Advisors – Me (Daniel Bernier), Unum (Charles Piacentini), Anthem (Kristine Ossenfort)

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

n/a

STATUTE: 24-A MRSA §226, sub-§2

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

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Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

In conjunction with Section 225(3) (see Ref. 98 and Section 227 (see Ref. 100), this exception governs public access to documents relating to the process for examining insurers and other entities subject to regulation by the Bureau. Upon completing an examination, Bureau staff prepare a draft report of examination and present it to the examinee. The examinee is allowed time to accept or challenge the report. During this period, the draft report is confidential, with very limited exceptions set forth in this section. The exception has rarely, if ever, been cited in denying a request for production of records. The Bureau has experienced no problems in administering it.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Bureau strongly supports the continuation of this exception. It is standard operating procedure throughout the United States and is not problematic.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the

FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The Bureau has experienced no problems with the applying this exception. It is sufficiently clear in describing the records that are covered.

4. Does your agency recommend changes to this exception?

The Bureau recommends no changes to this exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Maine Association of Health Plans (Katherine Pelletreau), America's Health Insurance Plans (Joseph Mackey), Maine Association of Insurance Companies (Charles Soltan), American Property Casualty Insurance Association (Bruce Gerrity), Maine Insurance Agents Association and National Association of Insurance and Financial Advisors – Me (Daniel Bernier), Unum (Charles Piacentini), Anthem (Kris Ossenfort)

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

n/a

STATUTE: 24-A MRSA §227

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

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Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This exception, read in conjunction with Ref. 98 and Ref. 99, relates to Bureau examinations of insurers and other business entities. This statute clarifies that final reports of examination are public records, except for information in them relating to individual insureds or individual applicants for insurance. Reports of examination rarely identify specific insureds. The Bureau has rarely, if ever, denied a request for the production of records on the basis of this exception.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Bureau supports continuing this exception. We strongly support final examination reports being public records. This exception appropriately protects the confidentiality of any information in an examination relating to individual insureds.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the

FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The Bureau is not aware of any problems that have occurred in the application of this exception. The agency believes the exception is sufficiently clear.

4. Does your agency recommend changes to this exception?

The Bureau does not recommend changes to this exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Maine Association of Health Plans (Katherine Pelletreau), America's Health Insurance Plans (Joseph Mackey), Maine Association of Insurance Companies (Charles Soltan), American Property Casualty Insurance Association (Bruce Gerrity), Maine Insurance Agents Association and National Association of Insurance and Financial Advisors – Me (Daniel Bernier), Unum (Charles Piacentini), Anthem (Kristine Ossenfort)

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

n/a

STATUTE: 24-A MRSA §414, sub-§§4 and 5

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

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Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

Subsection 4 requires insurers to file with the NAIC annual statements that cover their financial information. The exception in this subsection makes confidential any confidential information from the NAIC that the Bureau receives. Without this exception 4, the Bureau would not have access to Financial Analysis Solvency Tools (FAST), a collection of analytical solvency tools and databases maintained by the NAIC's financial analysis research and development team that are designed to provide state insurance departments with an integrated approach to reviewing the financial condition of insurers. FAST is intended to assist regulators in prioritizing resources to those insurers in greatest need of regulatory attention. The information in FAST is available only to state insurance regulators and authorized NAIC staff. To the best of our knowledge and belief, we have not received a FOAA request that would be subject to this provision.

Subsection 5 protects the confidentiality of workpapers of an insurer's outside auditors when reviewed by the Bureau. This protection is an accreditation standard for the Bureau. To the best of our knowledge and belief, we have not denied a FOAA request on the basis of this provision.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.
The Bureau strongly supports continuing this exception. As noted above, section 4 allows the Bureau access to analytical tools that help identify insurers in strongest need of attention. Subsection 5 is a national accreditation standard.
3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?
The Bureau is not aware of any problems in the application of this exception and believes the statute to be sufficiently clear.
4. Does your agency recommend changes to this exception?
The Bureau does not recommend changes to this exception.
5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.
Maine Association of Health Plans (Katherine Pelletreau), Maine Association of Insurance Companies (Charles Soltan), American Property Casualty Insurance Association (Bruce Gerrity), Unum (Charles Piacentini), Anthem (Kristine Ossenfort)
6. Please provide any further information that you believe is relevant to the Advisory Committee's review.
n/a

STATUTE: 24-A MRSA §423-C, sub-§4

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

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Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This exception provides for the confidentiality of reports of certain material investment or reinsurance transactions filed with the Bureau by domestic insurers. The exception has been rarely cited in denying a request for the production of records.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Bureau supports continuing this exception. It is an accreditation standard.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

No problems have occurred in the application of this exception, and the statute is sufficiently clear.

4. Does your agency recommend changes to this exception?

The Bureau does not recommend changes to this exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Maine Association of Health Plans (Katherine Pelletreau), America's Health Insurance Plans (Joseph Mackey), Maine Association of Insurance Companies (Charles Soltan), American Property Casualty Insurance Association (Bruce Gerrity), Maine Insurance Agents Association and National Association of Insurance and Financial Advisors – Me (Daniel Bernier), Unum (Charles Piacentini), Anthem (Kristine Ossenfort)

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

n/a

STATUTE: 24-A MRSA §423-G, sub-§4

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

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Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This law makes confidential information in the Bureau's possession or control that is obtained by, created by, or disclosed to the Bureau or any other person under the corporate governance annual disclosure (CGAD) law. CGAD requires domestic insurers and insurer groups to report annually to the Bureau their current corporate governance practices. The report addresses the insurer's corporate governance framework and structure; the policies and practices of its board of directors and significant committees; the policies and practices directing senior management; and the processes by which the board of directors, its committees and senior management ensure an appropriate level of oversight to the critical risk areas impacting the insurer's business activities.

CGAD is an accreditation standard.

To the best of our knowledge, the Bureau has not received a FOAA or other request requiring the Bureau to cite this exception.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.
The Bureau strongly supports continuing this exception. It is an accreditation standard. Repealing this exception would make the Bureau an outlier among insurance regulators. The CGAD reports include highly confidential information. The statute recognizes the significance of this information by emphasizing that it is not subject to subpoena or private civil discovery or admissibility, and may not be made public without the insurer's prior written consent.
3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?
The Bureau has not encountered any problems in applying this exception. It is clear that the records are meant to be confidential. The language of the exception sufficiently and clearly describes the covered records.
4. Does your agency recommend changes to this exception?
The Bureau does not recommend any changes to this exception.
5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.
Maine Association of Health Plans (Katherine Pelletreau), America's Health Insurance Plans (Joseph Mackey), Maine Association of Insurance Companies (Charles Soltan), American Property Casualty Insurance Association (Bruce Gerrity), Maine Insurance Agents Association and National Association of Insurance and Financial Advisors – Me (Daniel Bernier), Unum (Charles Piacentini), Anthem (Kristine Ossenfort)
6. Please provide any further information that you believe is relevant to the Advisory Committee's review.
n/a

STATUTE: 24-A MRSA §731-B, sub-§1

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

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Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This exception protects filings made with the Bureau by reinsurers domiciled outside the United States, to the extent that they are confidential under the laws of the reinsurer's home country. This reciprocal application of confidentiality laws is an essential feature of interstate and international regulatory cooperation. Any document protected by this exception would be confidential pursuant to 24-A M.R.S. § 216(5)(A) if it is obtained from the home country regulator. All this exception does is to enable the Bureau to obtain the information directly from the company when this is more efficient. To the best of our knowledge and belief, we have never received a FOAA request that would be subject to this provision.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Bureau strongly supports continuing this exception because it is part of an NAIC accreditation standard and is closely related to another FOAA exception.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the

FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The Bureau has not encountered any problems in applying this exception. It is clear that the records are meant to be confidential. The language of the exception sufficiently and clearly describes the covered records.

4. Does your agency recommend changes to this exception?

The Bureau does not recommend any changes to this exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Maine Association of Health Plans (Katherine Pelletreau), Maine Association of Insurance Companies (Charles Soltan), American Insurance Association and American Property Casualty Insurance Association (Bruce Gerrity), Unum (Charles Piacentini), Anthem (Kristine Ossenfort)

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

n/a

STATUTE: 24-A MRSA §796-A

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

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Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This exception, enacted in 2007, provides protection to information filed with the agency by special purpose reinsurance vehicles (SPRV). A SPRV is a domestic entity that has a limited certificate of authority solely to enter into certain reinsurance arrangements allowed under Title 24-A. No SPRVs have yet been formed in Maine, and the Bureau has no experience with this statute. No FOAA requests have been received to which this exception would apply.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Bureau supports continuing this exception. SPRVs do not sell insurance to unrelated parties, so they do not need to be subject to the same level of public transparency as commercial insurers. Other jurisdictions that regulate similar arrangements provide comparable confidentiality protections, so this exception is necessary to encourage SPRVs to form in Maine.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the

FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The Bureau has no experience with this exception.

4. Does your agency recommend changes to this exception?

The Bureau does not recommend changes to this exception for the reason stated in our answer to question 2.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Bruce Gerrity (various clients); Unum (Charles Piacentini)

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

n/a

STATUTE: [24-A MRSA §952-A, sub-§4](#) [CONFIDENTIALITY LANGUAGE REPEALED—NO ACTION NEEDED]

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: [Ben Yardley](#)

RETURN BY: September 30, 2022

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Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).
2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.
3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?
4. Does your agency recommend changes to this exception?
5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.
6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

STATUTE: 24-A MRSA §962

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 22 through 24-A; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This statute is in the subchapter on Life Insurance Reserves. It makes confidential a life insurer's actuarial opinion of reserves, Bureau examination working papers of a life insurer, documents related to a life insurer's annual certification of internal controls, principal-based valuation reports, and life insurer experience data.

To the best of our knowledge and belief, we have not received a FOAA request that would be subject to this provision.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Bureau supports continuing this exception. It is part of a national model and therefore significant in maintaining the uniform regulation of insurance.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the

FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The Bureau has not experienced problems in applying this exception. The applicable records are clearly meant to be confidential, and the language of the exception is sufficiently clear in describing the covered records.

4. Does your agency recommend changes to this exception?

The Bureau does not recommend changes to this exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

American Council on Life Insurance (Ann Robinson); Unum (Charles Piacentini); Patriot Life Insurance Company (Linc Merrill)

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

n/a

STATUTE: 24-A MRSA §994, sub-§§2 and 4

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 22 through 24-A; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

Property and casualty insurers must file annual statements of actuarial opinion and actuarial opinion summary as to the adequacy of reserves. While these documents are public records, this exception provides that supporting documentation is confidential. To the best of our knowledge and belief, we have not received a FOAA request that would be subject to this provision.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Bureau supports continuing this exception because it is national model language.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The Bureau has not encountered any problems in applying this exception. It is clear that the covered records are meant to be confidential, and the exception is sufficiently clear in describing the covered records.

4. Does your agency recommend changes to this exception?
The Bureau does not recommend any changes to this exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.
Maine Association of Insurance Companies (Charles Soltan), American Property Casualty Insurance Association (Bruce Gerrity)

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.
n/a

fSTATUTE: 24-A MRSA §1420-N, sub-§6

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 22 through 24-A; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

Section 1420-N requires insurers who terminate the appointments of insurance producers for statutorily specified reasons to notify the Bureau of the reason for termination. The exception pertains to the information provided and to subsequent investigatory information compiled by the Bureau under this section. The exception, as well as the immunity protection in section 1420-N(5), protects the public by encouraging insurers who believe insurance producers have engaged in illegal conduct to report that conduct. These reports can serve as the basis for Bureau investigations of producer activity.

To the best of our knowledge and belief, we have not denied a FOAA request on the basis of this provision.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Bureau supports continuing this exception, because it provides a significant public protection and because it is a part of the Uniform Producer Licensing Model Act.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The Bureau has not experienced any problems in applying this section. The described records are clearly intended to be confidential. The section's language is sufficiently clear in describing the covered records.

4. Does your agency recommend changes to this exception?

The Bureau does not recommend any changes to this exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Maine Association of Health Plans (Katherine Pelletreau), America's Health Insurance Plans (Joe Mackey), Maine Association of Insurance Companies (Charlie Soltan), American Insurance Association and American Property Casualty Insurance Association (Bruce Gerrity), National Association of Insurance and Financial Advisors (Dan Bernier), Unum (Charles Piacentini), Anthem (Kris Ossenfort)

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

n/a

STATUTE: 24-A MRSA §1905, sub-§1

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 22 through 24-A; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This exception provides that any credit and investigative report which the Bureau may obtain with respect to an applicant for an insurance administrator's license is confidential. To the best of our knowledge and belief, the Bureau has not denied a FOAA on the basis of this provision.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Bureau supports continuing this exception. These reports typically contain the sort of personal information not intended to be made public.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The Bureau has not experienced any problems in applying this exception. The described records are clearly meant to be confidential, and the language of the exception describes the covered records clearly.

4. Does your agency recommend changes to this exception?
The Bureau does not recommend any changes to this exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.
The Bureau is not aware of any trade association that represents insurance administrators.

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.
n/a

STATUTE: 24-A MRSA §1911

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 22 through 24-A; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This exception provides that personal claims information of individuals is confidential in the context of an audit of an insurance administrator performed by the Bureau. To the best of our knowledge and belief, the Bureau has not denied a FOAA request on the basis of this statute.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Bureau supports continuing this exception because it protects personally identifying information and personal health information, which is protected under various state and federal laws.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The Bureau has not experienced any problems in applying this exception. The described records are clearly meant to be confidential under FOAA, and the language of the exception describes the covered records clearly.

4. Does your agency recommend changes to this exception?
The Bureau does not recommend any changes to this exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.
Maine Association of Health Plans (Katherine Pelletreau), America's Health Insurance Plans (Joseph Mackey), Maine Association of Insurance Companies (Charles Soltan), American Insurance Association and Property/Casualty Insurance Association (Bruce Gerrity), Maine Insurance Agents Association and the National Association of Insurance and Financial Advisors - ME (Daniel Bernier), Unum (Charles Piacentini), Anthem (Kris Ossenfort), Consumers for Affordable Health Care (Ann Woloson).

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.
n/a

STATUTE: 24-A MRSA §2169-B, sub-§6

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 22 through 24-A; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This exception provides that insurance scoring models or other processes used by insurers must be filed with the Bureau, but are confidential. Some third-party vendors have developed scoring models; insurers using these models have developed their own algorithms or applications of these models. To the best of our knowledge and belief, the Bureau has not received any FOAA requests for this information.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Bureau supports continuing this exception because it balances insurers' concerns with protecting trade secret information with the Bureau's need for rate review staff to have all information needed to be certain that the scoring models and processes do not violate the requirement that rates not be excessive, inadequate, or unfairly discriminatory.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The Bureau has not experienced any problems in applying this exception. The described records are clearly meant to be confidential under FOAA, and the language of the exception describes the covered records clearly.

4. Does your agency recommend changes to this exception?
The Bureau does not recommend any changes to this exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.
Maine Association of Insurance Companies (Charles Soltan), Property/Casualty Insurance Association (Bruce Gerrity), Maine Insurance Agents Association and the National Association of Insurance and Financial Advisors – ME (Daniel Bernier). Scoring vendors include Equifax, Choicepoint and FairIsaac

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.
n/a

STATUTE: 24-A MRSA §2187, sub-§6

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 22 through 24-A; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This exception relates to information that the law enforcement agencies identified in § 2187(1) and insurers may obtain with respect to specific cases of suspected insurance fraud. The Bureau occasionally receives information from insurers regarding cases of suspected fraud. To the best of our knowledge and belief, we have not received any FOAA requests based on this information.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The agency supports continuation of this exception with respect to authorized agencies. The exception is similar to protections in place under the Arson Reporting Immunity Act.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the

FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The Bureau has not encountered problems in applying this exception. The records intended to be confidential are clearly described.

4. Does your agency recommend changes to this exception?

The Bureau does not recommend any changes to this exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Maine Trial Lawyers Association (Susan Faunce), Maine Association of Health Plans (Katherine Pelletreau), America's Health Insurance Plans (Joseph Mackey), Maine Association of Insurance Companies (Charles Soltan), American Property Casualty Insurance Association (Bruce Gerrity), Maine Insurance Agents Association and National Association of Insurance and Financial Advisors – ME (Daniel Bernier), Unum (Charles Piacentini), Anthem (Kristine Ossenfort)

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

n/a

STATUTE: 24-A MRSA §2204, sub-§4

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 22 through 24-A; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This is not a public records exception. It is a subsection of the Insurance Information and Privacy Protection Act and defines "confidential investigative information" (CII). CII is nonpublic information collected by a regulated insurance entity or insurance support organization in the course of investigating an insurance claim or a potential civil or criminal proceeding. Although CII is deemed confidential and protected from disclosure by 24-A M.R.S. § 2210(7), this confidentiality protection operates strictly between two private parties. The disclosure requests regulated by this statute are requests by insurance consumers to regulated insurance entities or insurance support organizations. CII is not held by public officials or agencies.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

n/a

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the

FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

n/a

4. Does your agency recommend changes to this exception?

n/a

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

n/a

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

The agency supports keeping this provision in place and has not encountered any problems with its administration. However, it is not a public records exception and therefore appears to be outside the scope of the Advisory Committee's review. We are happy to provide further information if needed.

STATUTE: 24-A MRSA §2268, sub-§1

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 22 through 24-A; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This statute is part of the Maine Insurance Data Security Act (IDSA), effective January 1, 2022. IDSA is based on an NAIC model. Section 2268(1) makes confidential three categories of information: information related to annual certifications that Maine domestic insurers must make concerning their compliance with IDSA's information security program requirements under § 2264(9); information identified in various paragraphs of § 2266(2) required to be sent to the Bureau when an insurance licensee experiences a cybersecurity event; and examination or investigation information obtained by the Bureau under § 2267. The § 2266(2) cybersecurity event information includes the mechanism of the event, how the licensee discovered the event, whether and how the licensee recovered the information at issue, the identity of the attacker, the period of compromise, the results of any forensic review of the event, and the licensee's steps to remediate the vulnerability.

The Bureau has not received any FOAA requests for information covered by section 2268(1).

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Bureau supports continuing this new exception. IDSA appropriately balances between consumers' need to have some information about cybersecurity events involving licensees that have their personal information and the licensees' need to protect the confidentiality of the processes that they use to protect their computer information systems. Without this provision, it would be more difficult for the Bureau to learn about the events involving failures of those systems and the steps licensees have taken to secure their information systems.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The Bureau has not encountered problems in applying this exception. The records intended to be confidential are clearly described.

4. Does your agency recommend changes to this exception?

The Bureau does not recommend any changes to this exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Maine Association of Health Plans (Katherine Pelletreau), America's Health Insurance Plans (Joseph Mackey), Maine Association of Insurance Companies (Charles Soltan), American Property Casualty Insurance Association (Bruce Gerrity), Maine Independent Agents Association and National Association of Insurance and Financial Advisors (Daniel Bernier), Unum (Charles Piacentini), Anthem (Kristine Ossenfort)

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

n/a

STATUTE: 24-A MRSA §2304-A, sub-§7

AGENCY: Maine Bureau of Insurance

CONTACT PERSON: Ben Yardley

RETURN BY: September 30, 2022

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 22 through 24-A; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This exception provides that property and casualty insurance rate filings, except workers' compensation insurance and medical malpractice rate filings, are confidential until approved by the Bureau. Prior to a 2005 statutory amendment, these filings were confidential until their effective date, which in many cases was a substantially longer period of time. The Bureau occasionally receives FOAA requests for rate filings; we explain that unapproved filings are confidential, but that requestors may have access to approved filings through a portal on the Bureau's website.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Bureau supports continuing this exception because it encourages open communication with filers during the review process and protects information about disapproved filings that might give other participants in the insurance market an unfair advantage over the filer whose program was disapproved or was withdrawn. We believe the exception is similar to provisions in most jurisdictions which, in the aggregate, encourage innovative products because the products can be protected by insurers until they are ready to put them in the market.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The Bureau has not encountered problems in applying this exception. The records intended to be confidential are clearly described.

4. Does your agency recommend changes to this exception?

The Bureau does not recommend any changes to this exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Maine Association of Insurance Companies (Charlie Soltan), American Insurance Association and American Property Casualty Insurance Association (Bruce Gerrity)

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

n/a

STATUTE: [24-A MRSA §2315](#) [REPEALED-NO ACTION NEEDED]

AGENCY: Bureau of Insurance

CONTACT PERSON: _____

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 13 through 21-A before the end of 2021; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).
2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.
3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?
4. Does your agency recommend changes to this exception?
5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.
6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

§2315. Stamping bureau (REPEALED)

SECTION HISTORY PL 1969, c. 132, §1 (NEW). PL 1973, c. 585, §12 (AMD). PL 1989, c. 797, §17 (AMD). PL 1989, c. 797, §§37, 38 (AFF). PL 2011, c. 320, Pt. A, §7 (RP).

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REPEALED