



MAINE DEPARTMENT OF  
**Professional  
& Financial  
Regulation**

**ANNUAL REPORT FROM THE SUPERINTENDENT OF INSURANCE  
TO THE LEGISLATURE**

**January 2007 through December 2007**

**PREPARED BY THE STAFF OF  
THE MAINE BUREAU OF INSURANCE**

JOHN ELIAS BALDACCI  
GOVERNOR

ERIC A. CIOPPA  
ACTING SUPERINTENDENT

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Some of the more significant Bureau of Insurance accomplishments for calendar year 2007 include a landmark multi-state settlement with Unum; passage of legislation establishing increased protections for senior citizens; and new outreach initiatives.

## **UNUM Provident Settlement**

The conclusion of the claim reassessment ordered of the Unum Provident Group in 2003 by the home-state chief insurance regulators of Maine, Massachusetts and Tennessee occurred during 2007. As a result of the examination, Unum Provident Group agreed to a plan of corrective action and paid a \$15,000,000 fine which was shared among the 50 states in proportion to their written long term disability premium. Claims denied or terminated from 1997 through 2004 qualified for re-review. Nationwide, approximately 215,000 claimants received written notice of the ability to have their denied or terminated claims reviewed. In excess of 2,200 Maine residents were eligible to participate in the process and as a result of the re-review, received approximately \$5.2 million in payments. In addition to the imposed fine, Unum agreed to change the company's claim organization and procedures to place increased emphasis on accountability for compliance with the terms of its insurance policies and applicable law. A full re-examination of the companies to measure compliance with the settlement is ongoing.

## **Protection from Unfair Sales Practices**

In 2007, the Bureau proposed and worked with the Legislature to enact LD 416 (Public Law Chapter 53), *An Act to Protect Seniors and the Public from Unfair Health Insurance Sales Practices*. The bill passed as an emergency measure and put in place restrictions on sales practices relative to products typically sold to the senior population. The law prohibits cold lead advertising and door-to-door sales. In addition, the law prohibits producers from using a Medicare appointment to discuss life insurance, health insurance, annuities, or other insurance products without getting the permission of the consumer to discuss those products at least 48 hours before the appointment. As a result of this new law, staff developed the brochure, "Are you Eligible for or Do you Have Medicare? Be Wary of Aggressive Sales Agents" to inform seniors and producers of the specific guidelines that now govern the sale of Medicare products. The brochure is posted on the Bureau web site and copies of the pamphlet were initially distributed to the Area Agencies on Aging and Legal Services for the Elderly.

## **Outreach Initiatives**

In a continuing effort to reach more consumers to make them aware that the Bureau of Insurance is available for assistance, staff participated in a number of events, including the Common Ground Country Fair held September 21-23. The Bureau staffed a booth all three days to answer insurance related questions and distribute insurance brochures. Pedestrian traffic at the booth was heavy.

The Bureau also took part in a new outreach initiative with other agencies in the Department targeted to the "senior" audience. Presentations were held at the Portland Public Library and the Camden Public Library to educate the public on the services that the Bureau of Insurance and other agencies with the Department of Professional and Financial Regulation provide.

## **Work Units in the Bureau** (see Appendix A for Bureau organizational chart and key personnel)

Administration

Alternative Risk Markets/Financial Analysis

Consumer Health Care

Financial Examination

Licensing

Life & Health Actuarial

Market Conduct

Property & Casualty Actuarial

Property & Casualty Technical Services

Support

Workers' Compensation

## Financial Examination

The Financial Examination work unit conducts detailed financial examinations of insurers domiciled in the State of Maine every three to five years. The work unit consists of a Director, two Examiners-in-Charge, three Senior Examiners, and four Examiners. Personnel are divided into two examination teams in order to conduct examinations concurrently. Exam reports for domestic insurers who have had an examination report issued can be found on the Bureau web site at <http://www.maine.gov/pfr/insurance/company/domestic.htm>. Financial statements for Maine licensed HMOs may also be accessed from the Bureau web site from the same link.

Recent examinations by the work unit:

<i>Company</i>	<i>Report Issued</i>	<i>Company</i>	<i>Report Issued</i>
Anthem Health Plans of Maine, Inc	Pending	Patriot Life Insurance Company	Pending
Danville Mutual Fire Insurance Co	May 7, 2007	Patriot Mutual Insurance Company	Pending
Farmington Mutual Fire Insurance Co	Sept. 11, 2007	Selective Insurance Co of New England	Pending
Maine Bonding and Casualty Company	Pending	State Mutual Insurance Company	Pending
Maine Employers Mutual Insurance Co	April 2, 2007	The Gorham Farmer's Club	May 15, 2007
MMG Insurance Company	Pending	Unum Life Insurance Co of America	June 25, 2007
No Yarmouth-Cumberland Mutual Fire Ins Co	Sept. 11. 2007	York Insurance Company of Maine	Pending

The schedule of upcoming financial examinations in 2008:

<i>Company</i>	<i>Financial Period Ending</i>
Aetna Health Inc.	December 31, 2007
Casco Indemnity Company	December 31, 2007
Martin's Point Generations LLC	December 31, 2007
Northeast Insurance Company	December 31, 2007
Selective Insurance Company of New England	December 31, 2007
Maine Dental Service Corporation	December 31, 2007

## Financial Analysis and Alternative Risk Markets

The Financial Analysis and Alternative Risk Markets work units are responsible for monitoring the financial solvency of insurers transacting business in Maine. Insurance companies seeking licensure and new workers' compensation self-insurers submit financial and operational information for review. Analysts review the information and make recommendations for insurance authority based on the financial strength of the company.

For new applicants, a full analysis of the financial statements is completed. Once the Bureau grants authority, the level of ongoing financial review is predicated on the entity's status as an insurance company or a workers' compensation self-insurer.

If the entity is an insurance company, the level of review is further determined by whether the company is a Maine domestic or a foreign insurer. Maine domestics are reviewed in detail on a quarterly basis; foreign insurers are prioritized based on select financial ratios.

For workers' compensation self-insured employers and groups, the work unit performs detailed annual reviews. Self-insurance authority is renewed annually unless evidence of deteriorated financial condition is found.

The Financial Analysis and Alternative Risk Markets work unit is also responsible for reviewing the following applicants: Health Maintenance Organizations, captive insurance companies, surplus lines companies, risk retention groups, risk purchasing groups, managing general agents, reinsurance intermediaries, accredited reinsurers, workers compensation reinsurers, fraternal benefit societies, third party administrators, multiple employer welfare arrangements, and continuing care retirement communities.

<b>Number of Self-Insurers for Workers' Compensation</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>
Individual Self-insurers	69	74	75
Group Self-insurers	19	20	20

#### **Number of Insurance Companies Licensed in Maine**

As of December 31, 2007, there were 1,127 licensed insurers in Maine.

<b>Number of Insurance Companies Licensed in Maine</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>
Property & Casualty Companies	630	628	629
Life & Health and HMOs	367	376	387
Fraternal Companies	14	14	14
Surplus Lines Companies	111	106	101
Private Purchasing Alliance	2	2	1
Multiple Employer Welfare Arrangement (MEWA)	3	3	3
Captive	0	0	0
Totals	1,127	1,120	1,135

#### **Domestic Insurance Companies (Domiciled in Maine) 2006**

(premium info for 2007 not available until April 2008)

<b>Maine Domestic</b>	<b>12/31/06 PREMIUM</b>	<b>12/31/06 ASSETS</b>
Acadia Insurance Company	\$295,854,214	\$151,266,088
Aetna Health Inc. (a Maine corporation)	\$175,645,532	\$45,818,412
Allied Augusta Mutual Insurance Company	\$0	\$9,928
Anthem Health Plans of Maine, Inc.	\$1,073,744,037	\$541,694,600
Berkley Regional Specialty Insurance Company	\$7,078,325	\$23,037,487
Casco Indemnity Company	\$15,199,298	\$24,456,510
Cigna Healthcare of Maine, Inc.	\$56,413,219	\$16,673,707
Maine Bonding and Casualty Company	\$73,520	\$30,841,187
Maine Dental Service Corp.	\$52,713,438	\$27,772,565
Maine Employers' Mutual Insurance Company	\$154,003,944	\$602,552,596
Martins Point Generations LLC	0	\$2,758,900
Medical Mutual Insurance Company of Maine	\$57,873,064	\$203,379,280
MMG Insurance Company	\$107,850,198	\$159,264,519
North East Insurance Company	\$24,171,994	\$39,924,162
Patriot Insurance Company	\$35,854,843	\$52,213,526
Patriot Life Insurance Company	\$2,125	\$6,958,016
Patrons Oxford Insurance Company	\$33,280,982	\$15,206,061
Selective Insurance Company of New England	\$226,747	\$27,314,164
State Mutual Insurance Company	\$1,522,736	\$1,801,603
UNUM Life Insurance Company of America	\$4,098,722,386	\$16,025,916,619
York Insurance Company of Maine	\$97,706,417	\$31,295,912

## Non Maine Health Maintenance Organizations 2006 (Maine only premiums)

HMOs	(State of Domicile)	12/31/06 PREMIUM	12/31/06 ASSETS
Arcadian Health Plan, Inc		0	\$36,310,369
Harvard Pilgrim Health Care, Inc.	(MA)	\$31,798,883	\$731,690,955

## New Company Licenses Issued in 2007

Companies/Insurers – 28 licenses issued in 2007

Life and Health Insurance Companies	
Bankers Reserve Life Insurance Company of Wisconsin	CSI Life Insurance Company
Brokers National Life Assurance Company	Life of the South Insurance Company

Property & Casualty Insurance Companies	
Acceptance Casualty Insurance Company	Old Dominion Insurance Company
Allmerica Financial Benefit Insurance Company	Preferred Professional Insurance Company
American Southern Home Insurance Company	Securian Casualty Company
CIFG Assurance North America Inc	Technology Insurance Company
Cincinnati Casualty Company	Tri State Insurance Company of Minnesota
Cincinnati Indemnity Company	Union Insurance Company
Genworth Home Equity Insurance Corporation	Union Standard Insurance Company

Eligible Surplus Lines Insurance Companies	
American Safety Indemnity Company	Praetorian Specialty Insurance Company
Berkshire Hathaway International Insurance Ltd	QBE Specialty Insurance Company
Catlin Insurance (UK) Ltd	SR International Business Insurance Company Limited
Endurance American Specialty Insurance Company	United Specialty Insurance Company
Guilford Insurance Company	Voyager Indemnity Insurance Company

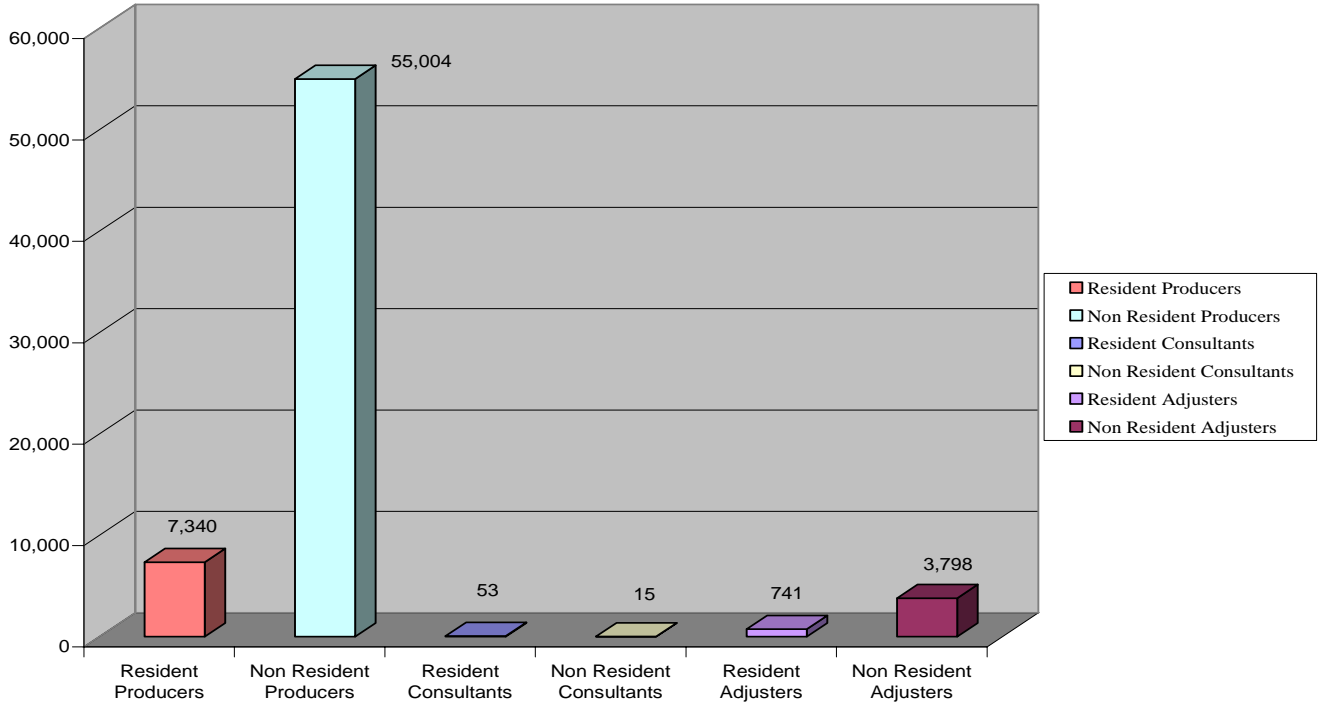
## Producer Licensing

The Producer Licensing work unit is responsible for the review and approval of applications to license individual insurance producers (agents), consultants, adjusters and business entities, and to register structured settlement transferees. Processing includes a determination if eligibility requirements have been met and verification that no statutory preclusions exist. The unit's responsibilities also include the approval of continuing education courses submitted by education providers and monitoring completion of the education requirement of thousands of insurance professionals. Maine requires each resident producer and resident consultant to complete 24 hours of continuing education every two years in order to maintain a license. Nonresidents must meet continuing education requirements in their resident state.

Electronic processing of producer appointments, appointment terminations, and non-resident license applications, as well as participation in the national producer database has made the licensing process more efficient, timely, and uniform. Another recent improvement includes an electronic address change feature that allows licensees to update their information. In the first six months of implementation, the ability to use the electronic address change feature reduced paper transactions by approximately 56 percent.

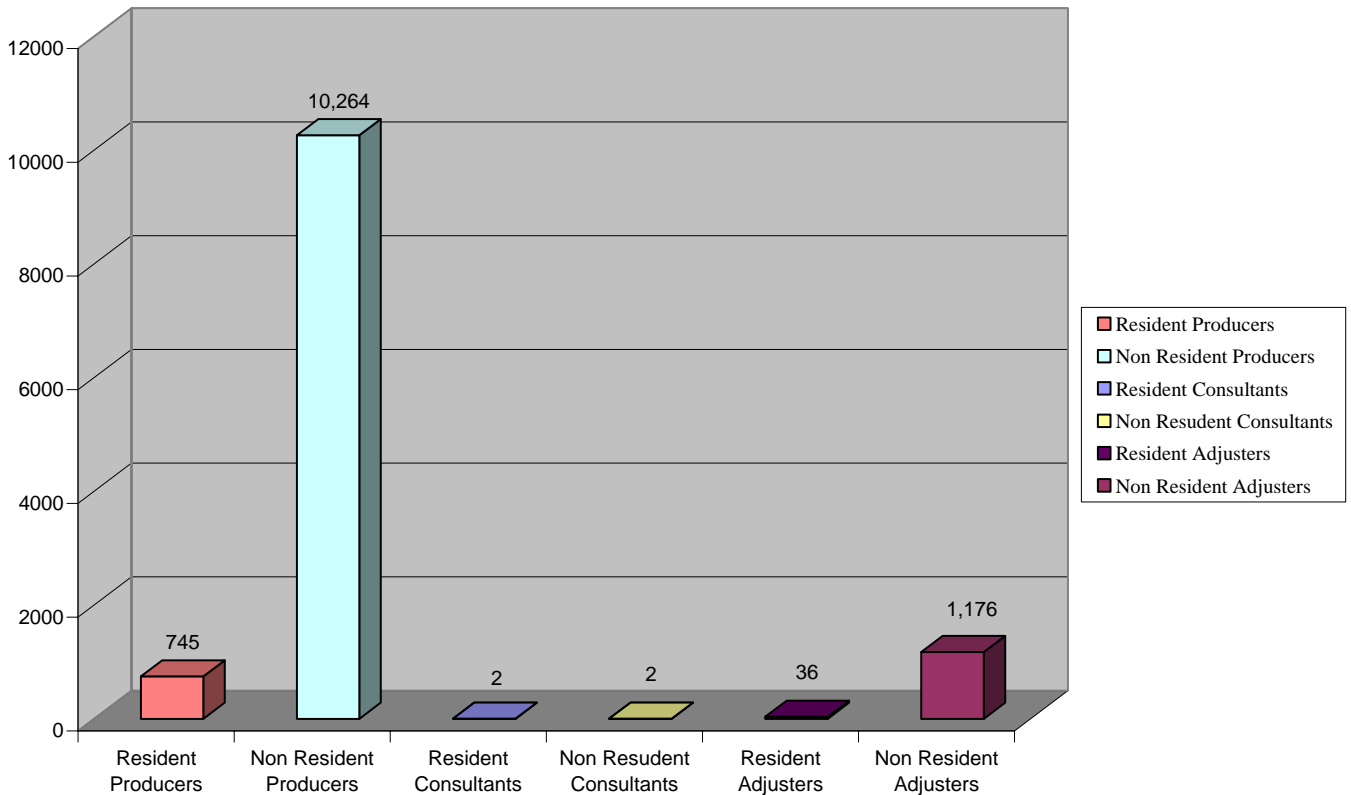
## Producer Licensing Statistics

**Number of Active Individual Licenses as of December 31, 2007  
Total 66,951**



**(Prior Years Totals:      2006 – 59,631      2005 - 52,460      2004 - 45,564)**

**New Licenses Issued to Individuals from January 1, 2007 through December 31, 2007  
Total 12,225**



**(Prior Years Totals:      2006 – 11,709      2005 - 11,709      2004 - 8,338)**

## **Support Unit**

The Support work unit provides administrative support for all functions within the Bureau of Insurance. Included in the administrative work are the following tasks: legislation tracking and records management, as well as invoice tracking and processing.

## **The Consumer Health Care Division**

The Consumer Health Care Division (CHCD) is comprised of fourteen staff members who offer a wide range of services to consumers. Staff provides information regarding life, disability, and health care plan options and services; helps enrollees to understand their rights and responsibilities under health care plans; assists enrollees with complaints related to life, disability and health care plans; and promotes coordination between the Bureau and other organizations that aid consumers.

The CHCD is responsible for the review and approval of life, disability, and health insurance policy forms, for monitoring health plan compliance with Maine law, and for the investigation and resolution of life and health insurance complaints.

As previously noted, staff participated in several outreach programs during 2007 to inform Maine citizens that the Bureau of Insurance is available to help them. Outreach also provides citizens with an opportunity to speak to staff on a one-to-one basis regarding questions or problems they may have concerning their life or health insurance coverage. In 2007, for example, CHCD staff participated in a Senior Living Expo at the Augusta Civic Center and the Common Ground Country Fair.

The CHCD has been proactive in implementing the National Association of Insurance Commissioners (NAIC) speed to market initiative. Electronic filings were submitted via the System for Electronic Rate and Form Filings (SERFF) which is a nationwide system developed by the NAIC with input from states and the insurance industry. The focus of the CHCD is to encourage insurance companies to adopt SERFF and decrease the review and approval time for submitted forms.

The CHCD focuses much of its efforts on analyzing the underlying issues that often give rise to complaints. Identification of deficiencies in insurer processes provides an opportunity for the Bureau to work with health plans to prevent reoccurrence of identified problems. To facilitate this process, the Consumer Health Care Division staff meets quarterly with a number of insurance carriers to discuss evolving issues before they become significant problems. The CHCD investigates complex complaints involving adverse determinations of medical necessity and speaks regularly with health care providers and the insurance carrier's utilization review staff.

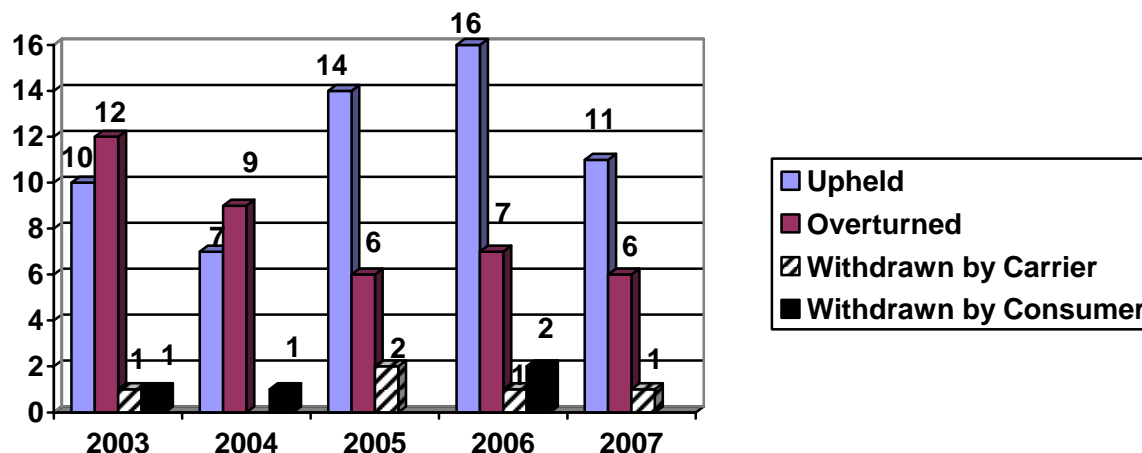
The Consumer Health Care Division also processes external reviews. This third level of review is different from the first two levels of appeal through the insurance carrier. To qualify for an external review, the denial of benefits must be related to a health issue and the consumer's insurance plan must be a fully funded plan and not a plan that is self-insured (which would fall under federal guidelines). The third level of review is an independent review arranged by the Bureau of Insurance and conducted by contracted independent review organizations.

In 2007, 18 external reviews were completed. Of those, 11 were upheld (the decision favored the carrier), 6 were either completely or partially overturned (in favor of the consumer) and one was withdrawn by the carrier.

Figure 2 illustrates the number of external reviews that were overturned, upheld, or withdrawn by either the carrier or consumer prior to the review for the years 2003 through 2007.

Figure 2.

### External Review Outcomes by Year



Consumer Health Care Division - Totals*	2007	2006	2005
Consumer complaints received	519	524	580
Consumer inquiries/phone calls received	4,747	6,888	6,498
Restitution to consumers	\$1,162,402	\$977,681	\$3,435,037
Rate and form filings	2,729	2,776	4,659

\*See graphs in Appendix B for a comparison of the last four years.

### Life & Health Actuarial

The Life & Health Actuarial work unit provides actuarial and technical services to Bureau staff involving life and health insurance. Among its responsibilities, the unit:

- Reviews and takes appropriate action on rate filings for regulated lines of insurance, primarily individual health, small group medical, credit life and health, group and individual Medicare supplement, and long-term care;
- Provides reserve analysis of life and health insurance companies as required by Maine law;
- Provides technical assistance to insureds, consumers, other state agencies, and others on insurance matters;
- Prepares annual reports on mandated benefits claims experience;
- Prepares quarterly “market snapshots” for the small group and individual health insurance markets;
- Maintains a database of required reports on small group and individual health insurance;
- Maintains a database of claims paid by third-party administrators and by insurers administering employers’ self-funded health plans;
- Compiles supplemental annual reports from health insurers;
- Studies proposed mandated benefit legislation as requested by the Legislature to determine the social impact, the financial impact, and the medical efficacy of the proposed mandate; and
- Estimates the impact on health insurance premiums of proposed expansions of health care services requiring a certificate of need (“CON”) from the Maine Department of Health and Human Services.

Reports on mandated benefits and the market snapshots for individual and small group health insurers are available on the Bureau's web site at [www.maine.gov/insurance](http://www.maine.gov/insurance) under *Bureau Reports*.

## Property & Casualty and Workers Compensation

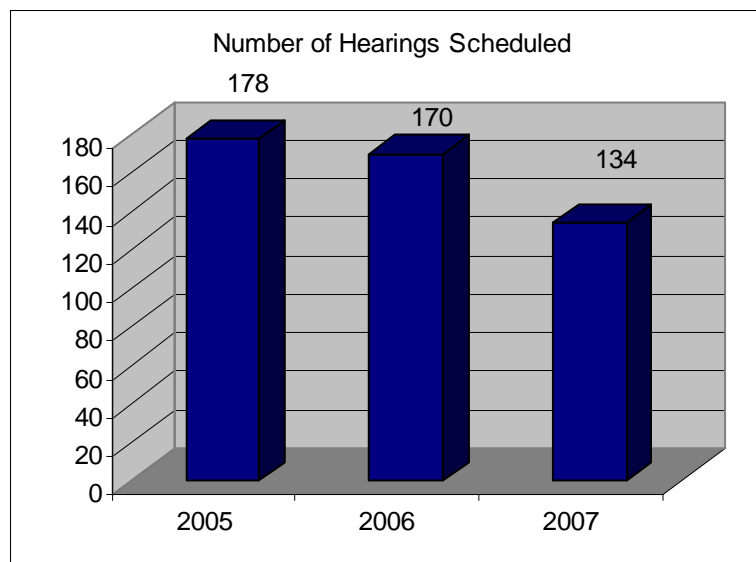
The Property & Casualty work unit reviews and approves rates, rating rules, and policy forms that property and casualty insurance companies and advisory organizations file for products they intend to write in Maine. Filings are reviewed to ensure compliance with applicable Maine law.

The unit also investigates complaints for all lines of property and casualty insurance. Often this includes conducting administrative hearings when a consumer has their automobile or homeowner's policy canceled or nonrenewed.

Property & Casualty Totals *	2007	2006	2005
Consumer complaints received	487	424	659
Consumer complaints closed	505	422	657
Consumer inquiries/phone calls received	6,332	6,415	8,233
Amount of restitution to consumers	\$400,458	\$475,532	\$557,690
Rate and form filings	3,181	3,090	3,095

\*See graphs in Appendix B for a comparison of the last four years.

**Hearings:** When an insurance company issues a notice of cancellation or nonrenewal of a homeowner or auto policy, the company is required to advise the insured that they may request a hearing to contest the action. The hearing provides a forum to dispute the reason(s), and requires the Bureau to rule whether the cancellation or nonrenewal was done in accordance with Maine law.



Hearing Results	2007	2006	2005
Number of Decisions Issued	57	60	84
Findings for the Consumer	31	36	49

The Workers' Compensation work unit is a sub-unit within the Property & Casualty unit. Workers' Compensation staff members are responsible for processing all rate, rule, and form filings presented to the Bureau involving workers

compensation insurance, self-insurance reinsurance, and occupational disability policies. In addition to these filings, the work unit assists the actuarial staff with the workers' compensation loss cost filing.

The unit responds to general inquiries regarding workers' compensation premiums and policies, and handles complaints regarding workers' compensation insurance rates, rules and policy cancellations. Complaints regarding specific workers' compensation claims are under the jurisdiction of the Workers' Compensation Board. If the Workers' Compensation Board finds a pattern of abuse, however, it can refer the matter to the Bureau of Insurance.

## Property & Casualty Actuarial

The Property & Casualty Actuarial work unit provides actuarial and technical services to the Bureau staff for property and casualty lines of insurance. Among its responsibilities, the work unit:

- Reviews rate and rating rule filings for market leaders;
- Reviews and analyzes loss cost filings by industry advisory organizations that gather experience and file the advisory loss portion to be used by insurers in establishing rates and rating rules;
- Provides technical assistance to insureds, consumers, state agencies, and others on insurance-related matters;
- Reviews funding and reserves of workers' compensation self-insurance trusts;
- Provides reserve analysis of property/casualty insurance companies; and
- Provides technical assistance to the Superintendent in all aspects of property/casualty, and workers' compensation matters.

## Market Conduct and Market Analysis

One of the goals of the NAIC Modernization Plan is the integration of market conduct, market analysis, and interstate collaboration to form a cohesive, uniform oversight program for the states to use in regulating their markets. The Bureau uses its Market Conduct work unit and its Market Analysis team to accomplish this goal.

The Market Conduct work unit is responsible for carrying out market-related examinations for all licensees. This program includes both in-house exams and on-site examination of licensees. The examination process typically focuses on the following areas: (1) company operations/management; (2) complaint handling; (3) marketing and sales; (4) producer licensing; (5) policyholder service; (6) underwriting; and (7) claims. While the unit does not handle individual complaints, it does use complaint data and information to analyze licensee trends and business practices or patterns. This analysis is often a key factor in selection for the on-site examination process and is completed by utilizing the NAIC's market analysis techniques.

The Market Analysis team is comprised of four examiners from the Financial Analysis Division who are responsible for performing ongoing market analysis of companies that operate in Maine. The market analysis process is designed to provide tools for each state to review its entire market, identify companies operating in the market that may be potentially harming consumers, and assist in defining the scope of any regulatory action that may be used to address the compliance problem. Once an issue is identified, the examiner will proceed with the continuum of regulatory actions using the most efficient method to identify the cause and extent of the problem. By using the market analysis approach described, states are more efficient and uniform in their approach to regulation. Market Conduct examinations can be found on the Bureau's web site at: <http://www.maine.gov/pfr/insurance/reports.htm>.

Recent examinations by the work unit:

Company	Type of Examination	Report Issued
---------	---------------------	---------------

Cambridge Integrated Services, Inc	Targeted, Limited in Scope	7/11/07
Hartford Financial Services Group	Targeted, Limited in Scope	2/26/07
Zurich American Insurance Company	Targeted, Limited in Scope	1/17/07

Current examinations in process:

Company	Type of Examination
AIG	Targeted, Limited in Scope
Arch Insurance Company	Targeted, Limited in Scope
CNA Group	Targeted, Limited in Scope
Crawford & Company	Targeted, Limited in Scope
Harleysville Worcester Insurance Company	Targeted, Limited in Scope
Maine Employers Mutual Insurance Company	Targeted, Limited in Scope
National Grange Insurance Company	Targeted, Limited in Scope

## Bureau Publications

To help educate the public on insurance matters that can affect their daily lives, the Bureau publishes, distributes, and posts a number of consumer brochures.

The following brochures are available from the Bureau. Most brochures, with the exception of the federal guide, are available online at the Bureau's web site ([www.maine.gov/insurance](http://www.maine.gov/insurance)):

- Automobile Insurance Guide (*premium comparison*)
- Complaint Ratio Brochures for **Auto**, **Homeowners**, and **Health** Insurance
- Consumer Guide to Cancellation/Nonrenewal of Personal **Auto & Property** Insurance
- Consumer Guide to **Homeowners'** Insurance (*premium comparison*)
- Consumer Guide to **Day Care** Liability
- Consumer's Guide to Understanding How Insurers Use **Credit Information** for Personal **Auto** and **Homeowners** Insurance
- Consumer Guide to **Youthful Drivers**
- Consumer **Health** Care Division
- Guide to **Individual Health** Insurance (*premium comparison*)
- Guide to Requesting an Independent **External Review** of **Health** Insurance
- Insuring your **Business** – The Basics of **Property & Liability** Coverage
- Insuring your **Farm** – The Basics of **Property & Liability** Coverage
- Long Term Care** Comparison Chart (*premium comparison*)
- Medicare Supplement** Comparison Chart (*premium comparison*)
- Are you Eligible for or Do you Have **Medicare**? Be Wary of Aggressive Sales Agents
- What Maine **Small Employers** Should Know About **Health** Insurance (*premium comparison*)
- What Can I do if I Lose my **Group Health** Insurance?
- Workers' Compensation** Brochure (*premium information*)

## Bureau Web Site

In an effort to provide the public and our regulated entities with information in a convenient and accessible format, the Bureau maintains a web site at [www.maine.gov/insurance](http://www.maine.gov/insurance). The site was redesigned to make navigation easier.

A sample of the information on the web site includes the following:

**Consumer Tools – provides links to:**

- Consumer information
- Brochures
- Filing a complaint
- Licensee search and status
- Dirigo Health information
- Glossary of terms

**Industry Tools – provides links to:**

- Licensee search and status
- Company forms and information
- Producer forms and information
- Address change forms
- Fees
- Laws, rules, & decisions
- Bulletins
- Hearing notices
- Helpful links

**Employer Tools – provides links to:**

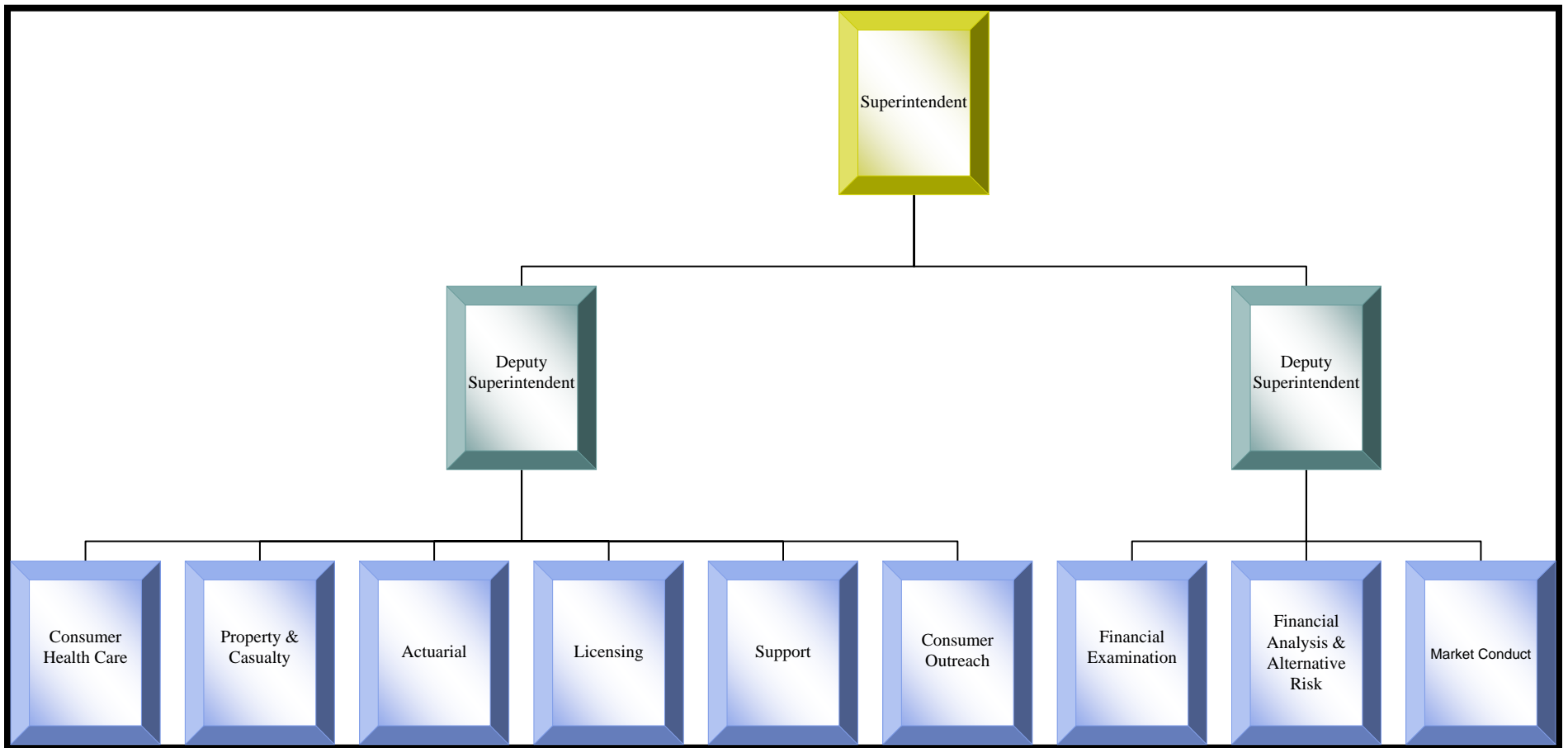
- Workers compensation insurance
- Health insurance information
- Electronic health claims
- Rural Medical Access Program

**Featured – provides links to:**

- Bureau survey
- Legislative proposals
- Frequently asked questions about data breach
- Fight Fake Insurance PSA
- FAQs: Electronic Health Claims Submission
- UnumProvident Settlement
- Dirigo Health
- Maine RX Plus
- Request for Proposal

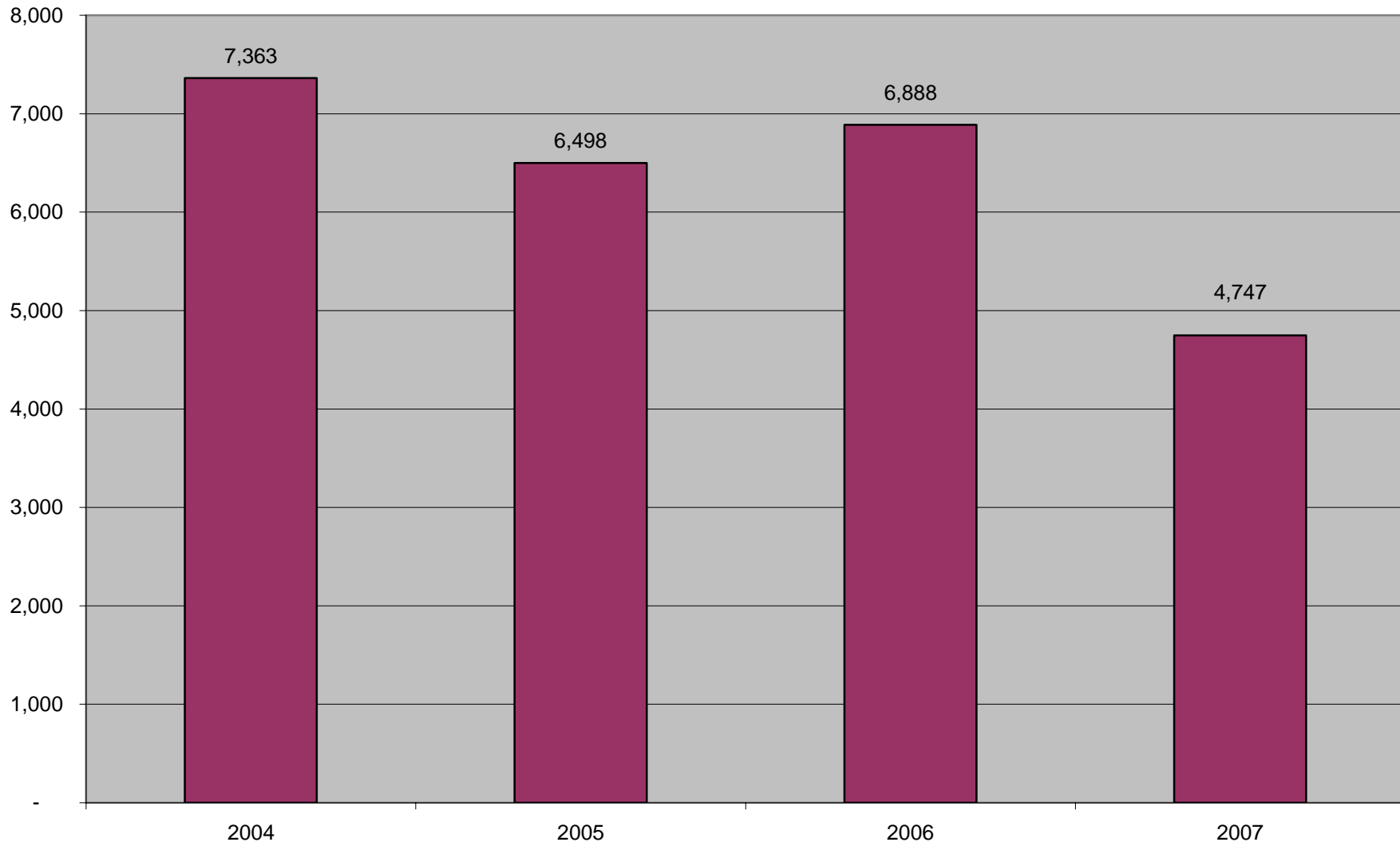
# **APPENDIX A**

# Bureau of Insurance Organization Chart

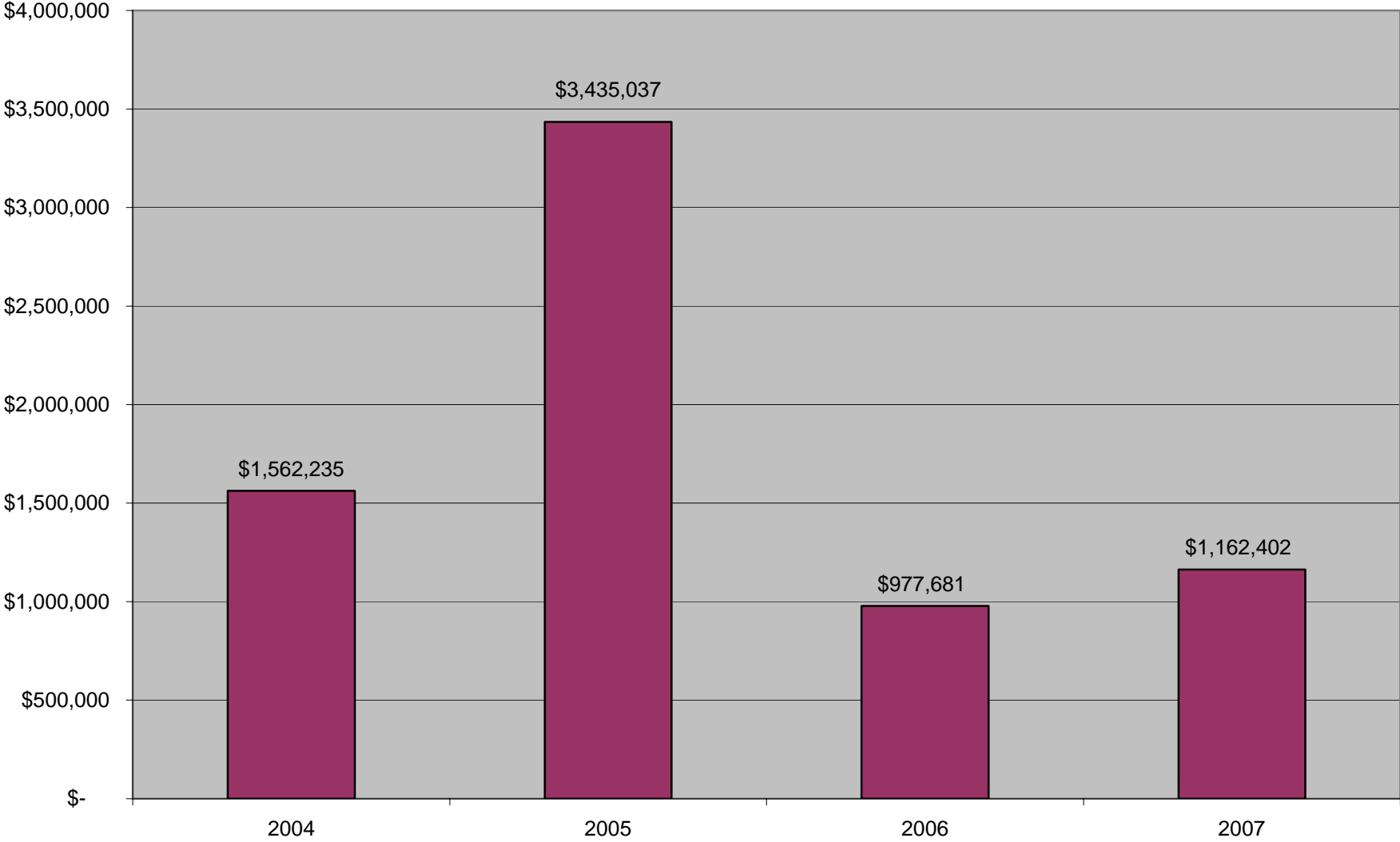


# **APPENDIX B**

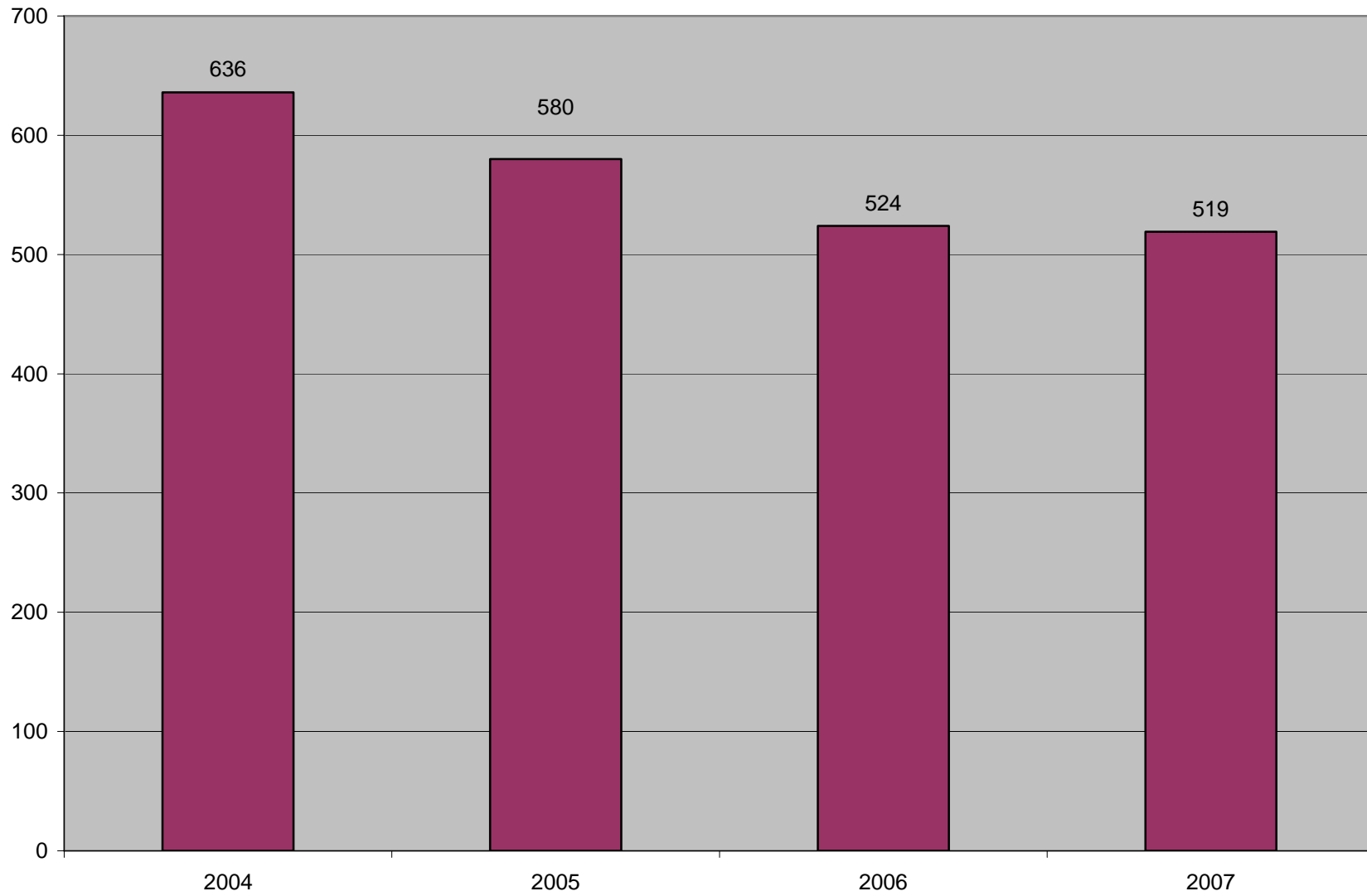
## Consumer Health Care Phone Calls & Inquiries 2004 - 2007



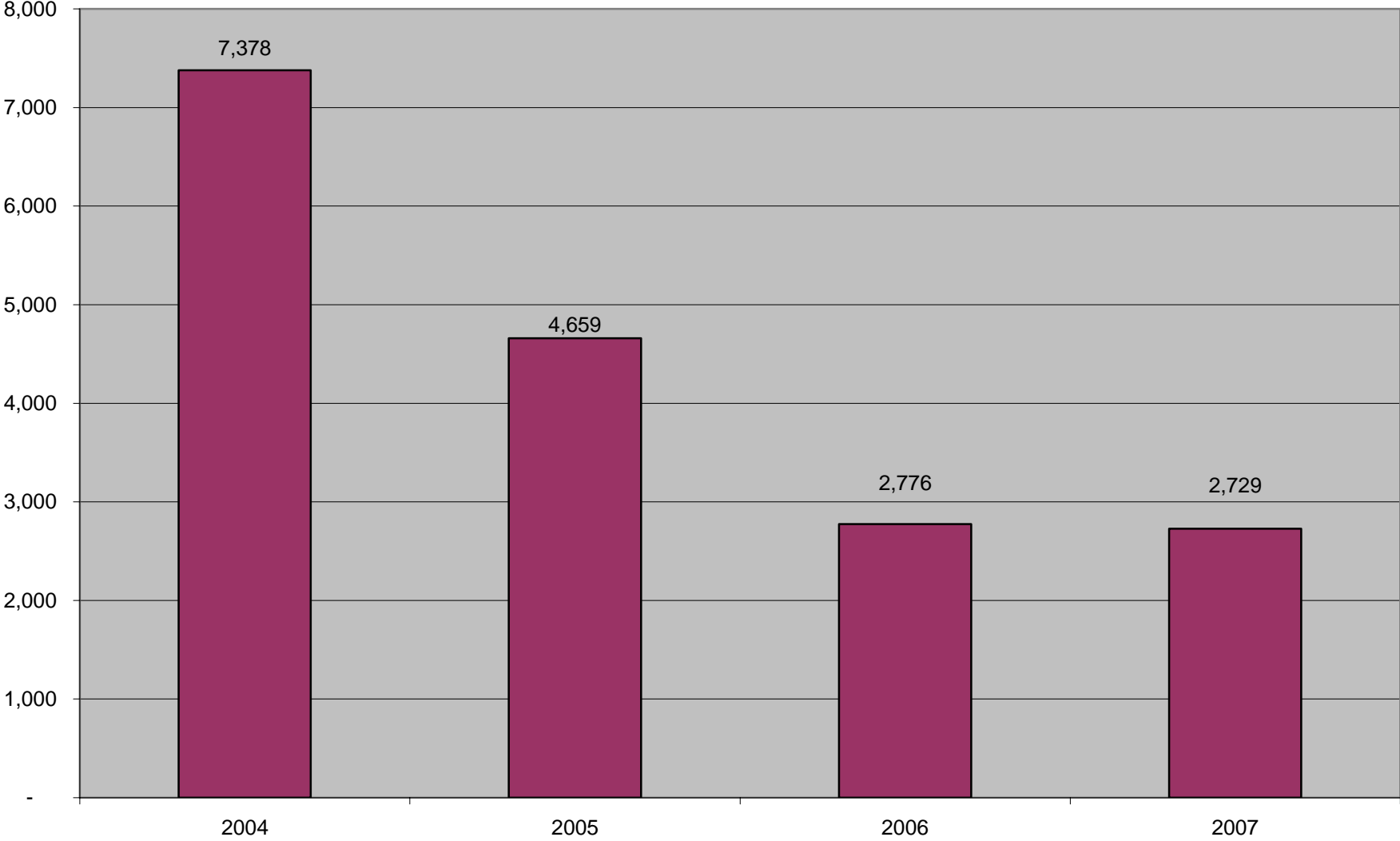
### Consumer Health Care Restitution to Consumers 2004-2007



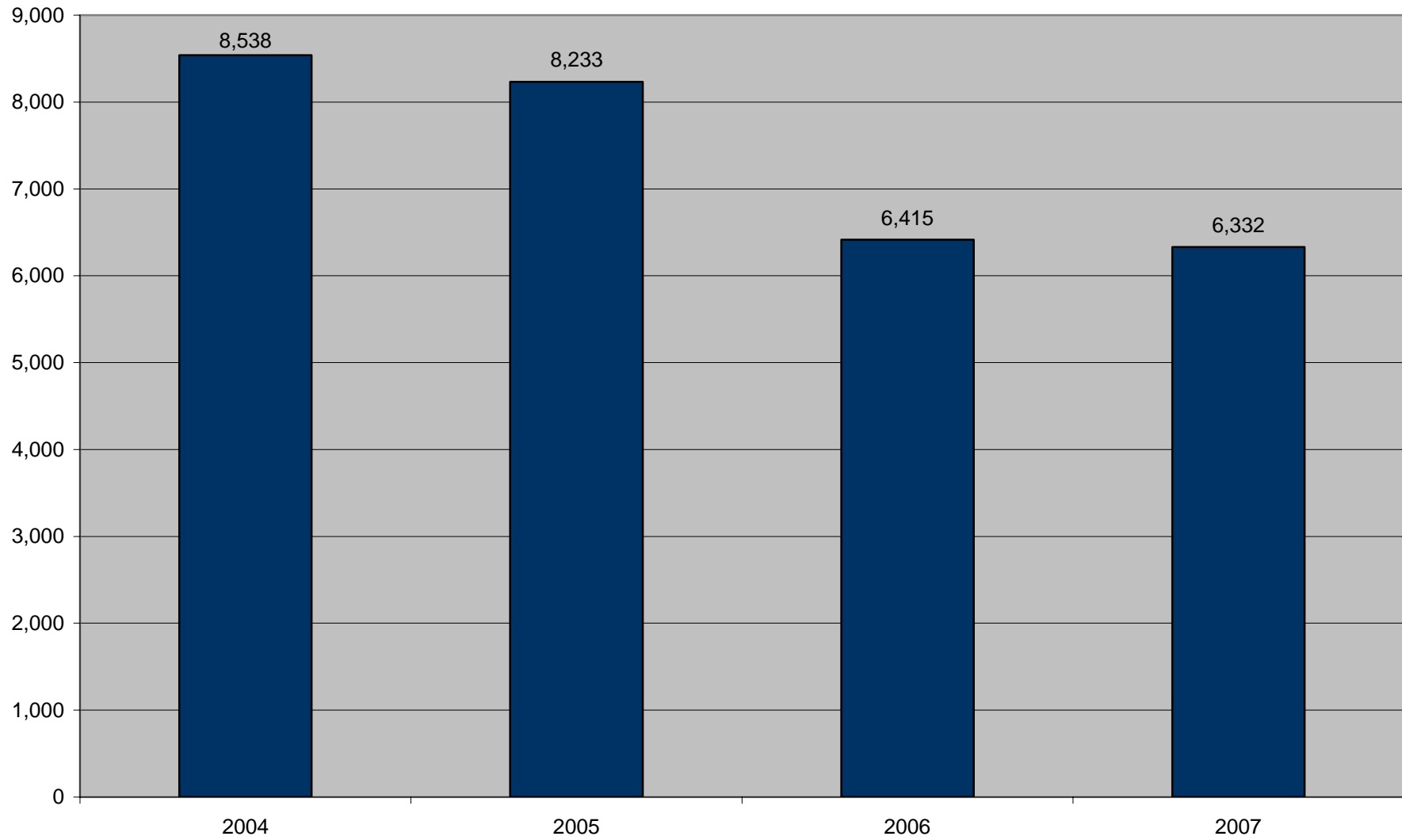
### Consumer Health Care Complaints 2004 - 2007



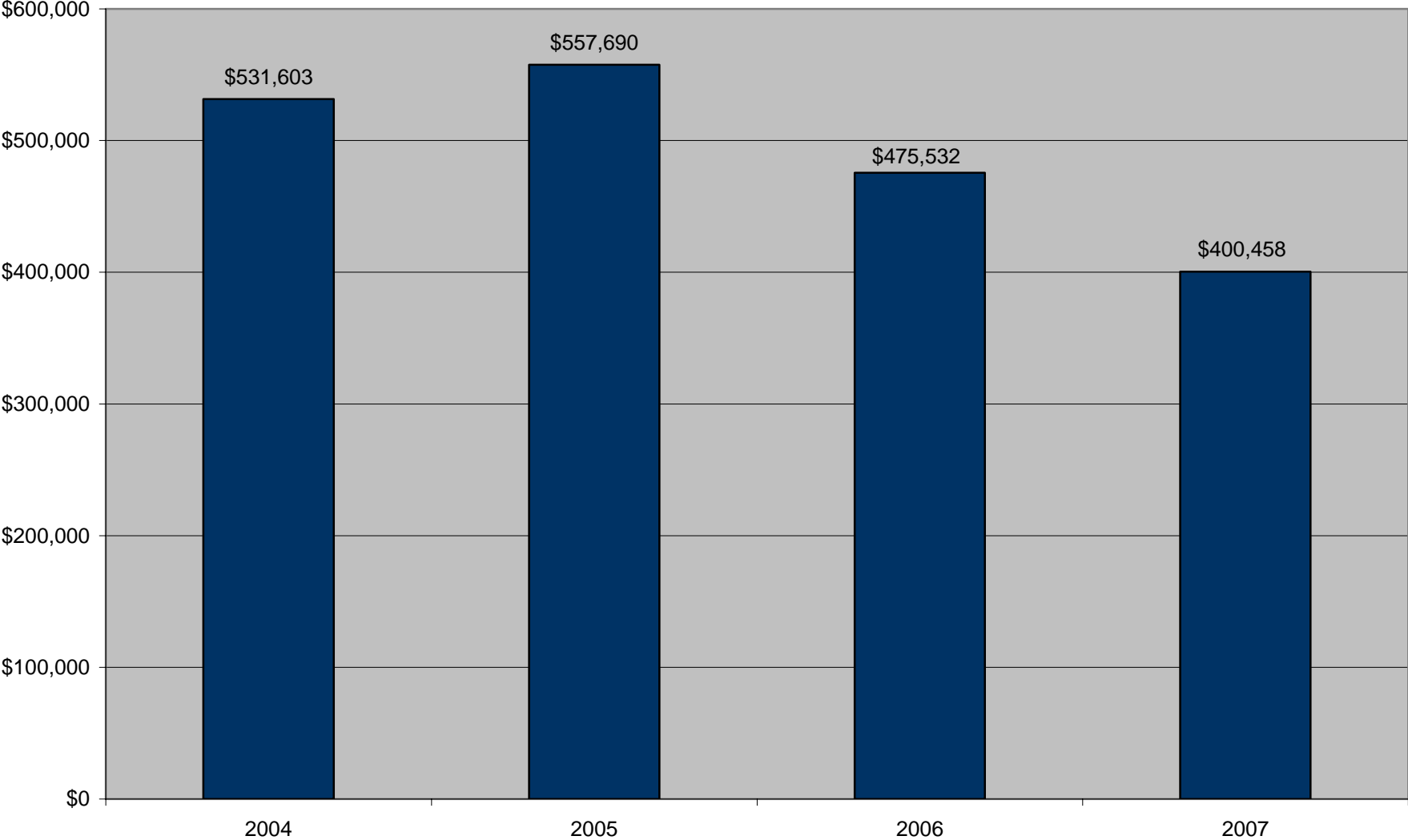
# Consumer Health Care Rate and Form Filings 2004 - 2007



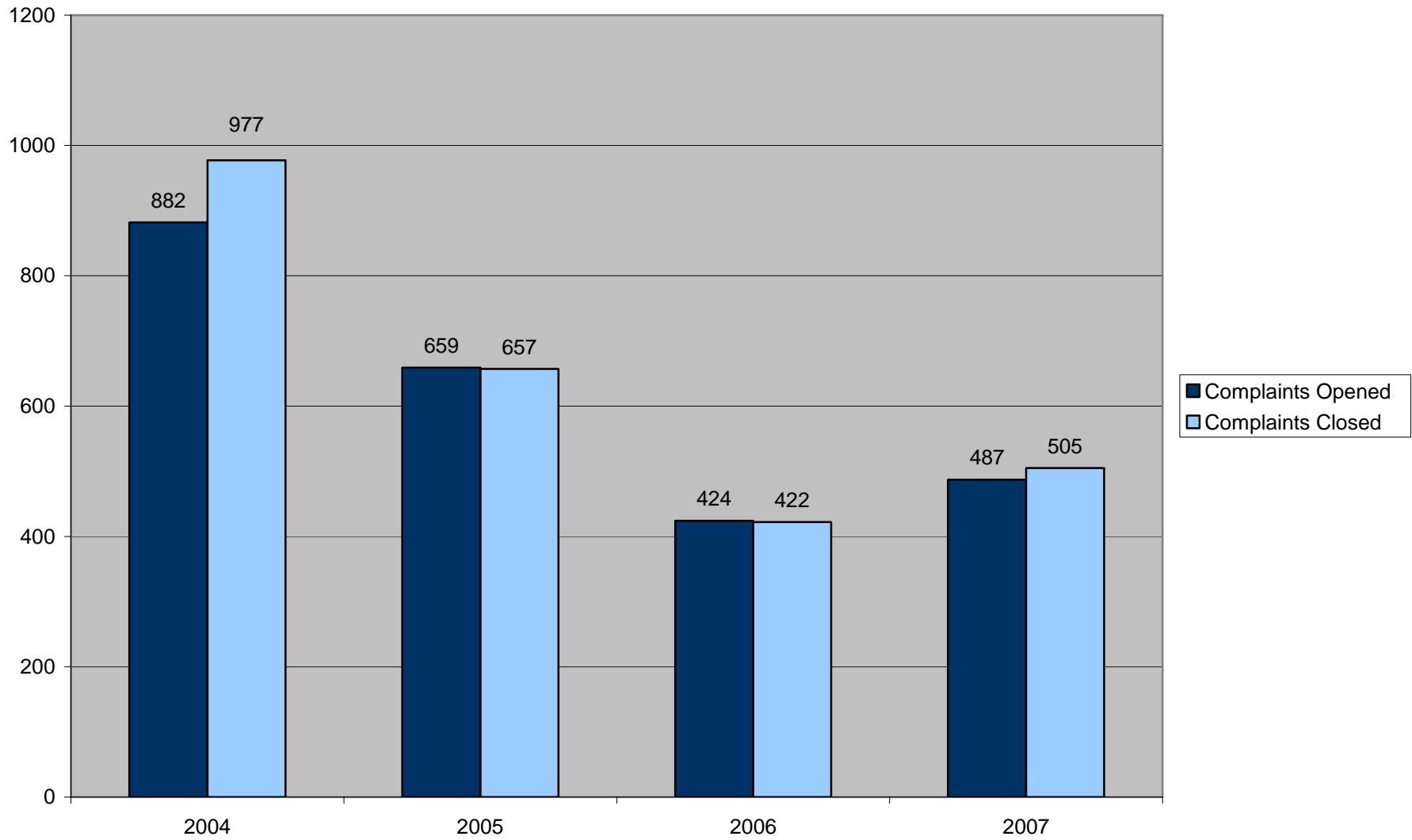
## Property & Casualty Phone Calls and Inquiries 2004-2007



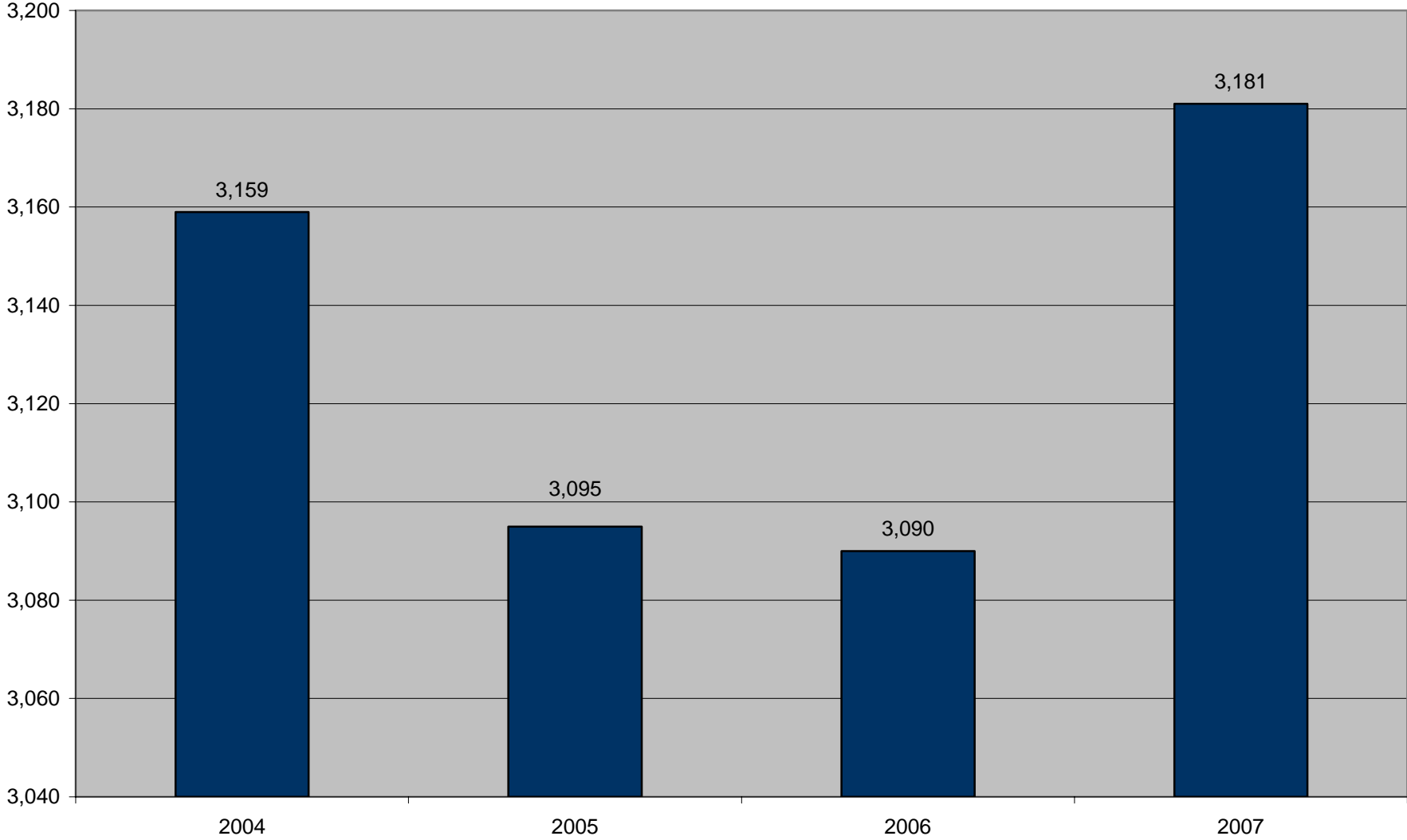
# Property & Casualty Restitution to Consumers 2004- 2007



## Property & Casualty Complaints 2004-2007



**Property & Casualty Filings Received 2004-2007**



Maine Bureau of Insurance  
34 State House Station  
Augusta ME 04333

(800) 300 - 5000  
(207) 624 - 8475

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

(Updated January 2008)

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