

RIGHT TO KNOW ADVISORY COMMITTEE

PROPOSED AGENDA

August 19, 2014

10:00 a.m.

Room 438, State House, Augusta

Convene

1. Welcome and Introductions
2. Public Access Ombudsman, Brenda Kielty – update
3. Update on Government Oversight Committee’s request to Attorney General Mills
4. Summary of Second Regular Session, 126th Legislature’s FOA actions in 2014
 - A. RTK AC recommendations
 - LD 1809, An Act Concerning Meetings of Public Bodies Using Communication Technology
 - LD 1821, An Act to Implement the Recommendations of the Right to Know Advisory Committee
 - Part A: Public records exceptions
 - Part B: Add technology member to RTK AC
 - Part C: Public Access Ombudsman reporting date
 - Part D: FOAA deadlines and appeals
 - Relief from overly-burdensome FOAA request (not printed)
 - B. Public Access Ombudsman recommendations (PL 2013, c. 229)
 - LD 1818, An Act to Facilitate Public Records Requests to State Agencies
 - C. Proposed public records exceptions reviewed by Judiciary Committee
5. Public records exceptions online search tool updated (<http://www.mainelegislature.org/legis/foa/>)
6. Existing exceptions review process – no reviews planned until 2015
7. Discussion: Potential topics and projects for 2014
 - A. Public information v. public records
 - B. Anonymous requests
 - C. “Working papers” – training, records retention schedules
 - D. Unintended adverse impacts of FOAA
 - E. State Library repository of state agency reports and publications (Adam Fisher, Maine State Library)
 - F. Resolve 2013, c. 112: Privacy of social media and email; cloud storage of school data
 - G. Other?
8. Scheduling future meetings

Adjourn



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SEN. CHRISTOPHER K. JOHNSON, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

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MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

July 31, 2014

Honorable Janet Mills
Attorney General
6 State House Station
Augusta, Maine 04333-0006

Honorable Matthew Dunlap
Secretary of State
148 State House Station
Augusta, Maine 04333-0148

Dear Attorney General Mills and Secretary of State Dunlap:

In the months since the Office of Program Evaluation and Government Accountability released its December 2013 report on Healthy Maine Partnerships' FY13 Contracts and Funding, our committee has been considering potential actions on associated issues with records retention policies and practices at the Maine Center for Disease Control and Prevention, as well as Statewide. Chief Deputy Attorney General Linda Pistner, FOAA Ombudsman Brenda KIELTY, Senior Attorney General Phyllis Gardiner and State Archivist David Cheever have provided information and perspective that have helped us to understand where weaknesses exist in the State's records retention and management framework and helped brainstorm possible ideas for improvements. We greatly appreciate their interest and assistance in these matters.

As a result of these discussions, the Government Oversight Committee would like to accept the offer extended by your offices for the FOAA Ombudsman and Director of the State Archives Records Management to convene a working group to develop and/or make specific recommendations to the GOC regarding improvements to the State's Records Retention framework. Specifically, the GOC requests that:

- A. A working group be convened by the FOAA Ombudsman and the Director of Maine State Archives Records Management and include, at a minimum, representatives of the Attorney General's Office, the Office of Information Technology, the Bureau of Human Resources and the Department of Audit.

82 State House Station, Room 107 Cross Building
Augusta, Maine 04333-0082
TELEPHONE 207-287-1901 FAX: 207-287-1906

- B. The working group make specific recommendations concerning the following:
- a. improved guidance for agencies on record retention, including specifically the issue of draft documents and the appropriate criteria for determining the extent to which drafts should be retained;
 - b. model policies on record retention;
 - c. training requirements, including additional requirements for supervisors, and a system of accountability to assure that all state employees receive appropriate training on record retention policies, schedules and procedures; and
 - d. establishing, or promoting/enhancing existing, avenues for employees to get consistent and accurate answers to records retention questions.
- C. The working group also make suggestions on how best to implement the following ideas with the goal of ensuring expectations regarding records retention are clear and well understood by all employees and that all employees are accountable for complying with those expectations:
1. All executive branch agencies shall review and update their record retention policies, procedures and schedules consistent with the improved guidance and model policies; train incoming and existing employees and supervisors on those updated record retention policies and procedures (in addition to, or in conjunction with FOAA training); and require staff to review and acknowledge receipt of the State of Maine Policy on Preservation of State Government Records on an annual basis.
 2. Consistent with collective bargaining agreements, civil service law and rule and other applicable law, compliance with record retention policies, procedures and schedules should be included as part of each employee's performance expectations. Employees who fail to fulfil their obligations under applicable record retention policies, procedures and schedules will be subject to disciplinary action, up to and including discharge.
 3. The FOAA Ombudsman's ongoing training of state agency personnel continue to address the importance of record retention, as well as the obligation of each agency to update their record retention schedules, policies and procedures, and to assure that all agency staff receive training on those policies and procedures.
- D. The working group make recommendations on guidelines that should be used by agencies in determining costs for responding to a FOAA such that costs are reasonable, consistent across State government and do not present an unnecessary barrier to FOAA requests.
- E. In developing its recommendations and suggestions, that the working group seek input from the Right to Know Advisory Committee, other State agencies and/or stakeholders as appropriate.
- F. The working group report back to the GOC by February 1, 2015, on the results of its work and include recommendations for any additional steps, including those that may require legislative action.

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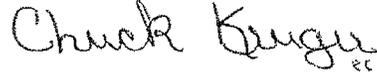
We understand that your offices have very limited staff resources to support this effort and, consequently, there may not be time or resources to involve or seek feedback from a broad stakeholder group, even if the working group feels that would be appropriate. If it seems that the working group's recommendations should be vetted with stakeholders more than you have opportunity to do before February 1st, the GOC can do so through its public consideration of those recommendations.

Please confirm with OPEGA Director Beth Ashcroft that your offices intend to honor this request. Director Ashcroft can also answer any questions you may have.

Sincerely,



Senator Christopher Johnson
Senate Chair



Representative Chuck Kruger
House Chair

Cc: Members of the Government Oversight Committee

4A-1

(Changes from LD 258 are in *italics*)

Sec. 1. 1 MRSA §403-A is enacted to read:

§403-A. Public proceedings through ~~other means of communication technology~~

This section governs public proceedings, including executive sessions, during which public or governmental business is ~~discussed or~~ transacted through telephonic, video, electronic or other means of communication.

1. Requirements. A body subject to this subchapter may conduct a public proceeding during which ~~a member one or more members~~ of the body ~~participates participate~~ in the discussion or transaction of public or governmental business through telephonic, video, electronic or other means of communication only if the following requirements are met.

A. The body has adopted a policy that authorizes a member of the body who is not physically present to participate in a public proceeding through telephonic, video, electronic or other means of communication in accordance with this section. The policy ~~may must~~ establish ~~circumstances under criteria which that must be met~~ before a member may participate when not physically present. *If the policy allows a member who is not physically present to participate in an executive session, the policy must specifically address the circumstances under which the executive session may be conducted to ensure privacy.*

B. Notice of the public proceeding has been given in accordance with section 406.

C. Except as provided in subsection 3, a quorum of the body is assembled physically at the location identified in the notice required by section 406.

D. Each member of the body participating in the public proceeding is able to hear all the other members and speak to all the other members during the public proceeding, and members of the public attending the public proceeding in the location identified in the notice required by section 406 are able to hear all members participating from other locations.

E. Each member who is not physically present and who is participating through telephonic, video, electronic or other means of communication identifies the persons present in the location from which the member is participating.

F. All votes taken during the public proceeding are taken by roll call vote.

G. Each member who is not physically present and who is participating through telephonic, video, electronic or other means of communication has received prior to the public proceeding any documents or other materials that will be discussed at the public proceeding, with substantially the same content as those documents actually presented. Documents or other materials made available at the public proceeding may be transmitted to the member not physically present during the public

Right to Know Advisory Committee

Draft: Use of technology to permit remote participation in meetings

proceeding if the transmission technology is available. Failure to comply with this paragraph does not invalidate the action of a body in a public proceeding.

2. Voting, quasi-judicial or judicial proceeding. A member of a body who is not physically present and who is participating in the public proceeding through telephonic, video, electronic or other means of communication may not vote on any issue concerning testimony or other evidence provided during the public proceeding if it is a judicial or quasi-judicial proceeding.

3. Exception to quorum requirement. A body may convene a public proceeding by telephonic, video, electronic or other means of communication without a quorum under subsection 1, paragraph C if:

A. An emergency has been declared in accordance with Title 22, section 802, subsection 2-A or Title 37-B, section 742, and:

(1) The public proceeding is necessary to take action to address the emergency; and

(2) The body otherwise complies with the provisions of this section to the extent practicable based on the circumstances of the emergency; or

B. The body is specifically authorized by its governing statute to convene a public proceeding by telephonic, video, electronic or other means of communication with less than a quorum assembled physically at the location identified in the notice required by section 406.

4. Annual meeting. If a body conducts one or more public proceedings pursuant to this section, it shall also hold at least one public proceeding annually during which members of the body in attendance are physically assembled at one location and where no members of the body participate by telephonic, video, electronic or other means of communication from a different location.

PART B

Sec. B-1. 10 MRSA §384, sub-§5 is enacted to read:

5. Meetings. The board shall have a physical location for each meeting. Notwithstanding Title 1, section 403-A, board members may participate in meetings by teleconference. Board members participating in the meeting by teleconference are not entitled to vote and are not considered present for the purposes of determining a quorum, except in cases in which the chair of the board determines that the counting of members participating by teleconference and the allowance of votes by those members is necessary to avoid undue hardship to an applicant for an investment.

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Sec. B-2. 32 MRSA §88, sub-§1, ¶D, as amended by PL 2007, c. 274, §19, is further amended to read:

D. A majority of the members appointed and currently serving constitutes a quorum for all purposes and no decision of the board may be made without a quorum present. A majority vote of those present and voting is required for board action, except that for purposes of either granting a waiver of any of its rules or deciding to pursue the suspension or revocation of a license, the board may take action only if the proposed waiver, suspension or revocation receives a favorable vote from at least 2/3 of the members present and voting and from no less than a majority of the appointed and currently serving members. The Notwithstanding Title 1, section 403-A, the board may use video conferencing and other technologies to conduct its business but is not otherwise exempt from Title 1, chapter 13, subchapter 1. Members of the board, its subcommittees or its staff may participate in a meeting of the board, subcommittees or staff via video conferencing, conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this subsection constitutes presence in person at such meeting.

Sec. B-3. 39-A MRSA §151, sub-§5, as amended by PL 2003, c. 608, §9, is further amended to read:

5. Voting requirements; meetings. The board may take action only by majority vote of its membership. The Notwithstanding Title 1, section 403-A, the board may hold sessions at its central office or at any other place within the State and shall establish procedures through which members who are not physically present may participate by telephone or other remote-access technology. Regular meetings may be called by the executive director or by any 4 members of the board, and all members must be given at least 7 days' notice of the time, place and agenda of the meeting. A quorum of the board is 4 members, but a smaller number may adjourn until a quorum is present. Emergency meetings may be called by the executive director when it is necessary to take action before a regular meeting can be scheduled. The executive director shall make all reasonable efforts to notify all members as promptly as possible of the time and place of any emergency meeting and the specific purpose or purposes for which the meeting is called. For an emergency meeting, the 4 members constituting a quorum must include at least one board member representing management and at least one board member representing labor.

SUMMARY

Part A authorizes the use of remote-access technology to conduct public proceedings. Subject to the following requirements, it authorizes a body to conduct a public proceeding during which a member of the body participates in the transaction of public or government business through telephonic, video, electronic or other similar means of communication.

1. The body must adopt a policy that authorizes such participation and establishes the criteria that must be met under which a member may participate when not physically present.

Right to Know Advisory Committee

Draft: Use of technology to permit remote participation in meetings

If the policy authorizes such participation in an executive session, the policy must spell out the circumstances for conducting the executive session that will ensure the required privacy.

2. Notice of any proceeding must be provided in accordance with the Freedom of Access Act.

3. A quorum of the body must be physically present, except that under certain emergency circumstances, a body may convene a public proceeding by telephonic, video, electronic or other similar means of communication without a quorum assembled physically at one location. One such circumstance is if the public body's governing statute authorizes a meeting using remote access technology with less than a quorum physically present in the location listed in the meeting notice.

4. Members of the body must be able to hear and speak to each other during the proceeding.

5. A member who is participating remotely must identify the persons present in the location from which the member is participating.

6. All votes taken during the public proceeding must be taken by roll call vote.

7. Each member who is not physically present and who is participating through telephonic, video, electronic or other similar means of communication must have received, prior to the proceeding, any documents or other materials that will be discussed at the public proceeding, with substantially the same content as those documents actually presented.

8. A member of a body who is not physically present may not vote on any issue concerning testimony or other evidence provided during the public proceeding if it is a judicial or quasi-judicial proceeding.

9. If a body conducts one or more public proceedings using remote-access technology, the body must also hold at least one public proceeding annually during which all members of the body in attendance are physically assembled at one location.

Under current law, the following state agencies are authorized to use remote-access technology to conduct meetings: the Finance Authority of Maine, the Commission on Governmental Ethics and Election Practices, the Emergency Medical Services' Board and the Workers' Compensation Board. Part B provides a specific exemption from the new requirements for the Small Enterprise Growth Board, the Emergency Medical Services' Board and the Workers' Compensation Board.

Right to Know Advisory Committee

Statement of Commissioner Brown concerning remote participation in meetings,
submitted to Joint Standing Committee on Judiciary on LD 258

Maine Legislature

Judicial Committee

Senator Valentino, Rep. Priest and members of the Judicial Committee thank you for allowing me to comment on LD 258 "An Act to Implement the Recommendations of Right To Know Advisory Committee Concerning Meetings of Public Bodies".

My name is Percy L. Brown, Jr., I live in Deer Isle, Maine. I have been a Hancock County Commissioner for eleven years and I am a current member of the Right to Know Committee. I have served on many State and local Boards over the past 25 years. I am requesting this committee amend LD 258 and not allow "Elected Officials" to conduct public proceeding through other means of communication. This bill will work well for appointed board and council members but most County Commissioners, Town Selectmen, elected School Board members and Town Councilors are elected by the people and access through public proceeding should always be available to the public. As you all know nothing can be more persuasive than a room full of concerned citizens. The information presented at these proceeding may sway the vote and from my experience often does. It is easier to make a decision on difficult issues when the member is not physically present. Remote technology is great but the public should always be allowed to have face time with their elected officials and question or support decisions they make as it insures greater transparency in government.

Thank You,

Percy L. Brown, Jr.

Hancock County Commissioner

Ellsworth, ME

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1809

H.P. 1300

House of Representatives, March 11, 2014

An Act Concerning Meetings of Public Bodies Using Communications Technology

Reported by Representative PRIEST of Brunswick for the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 1 MRSA §403-A** is enacted to read:

3 **§403-A. Public proceedings through communications technology**

4 **1. Elected membership; prohibition.** A public body composed of elected members
5 of a municipality, quasi-municipal entity or school administrative unit may not conduct a
6 public proceeding in which a member participates in the discussion or transaction of
7 public or governmental business when that member is not physically present at the
8 location of the public proceeding.

9 **2. Authorized participation.** A public body, except a public body composed of
10 elected members, of a municipality, quasi-municipal entity or school administrative unit
11 may conduct a public proceeding during which one or more members of the body
12 participate in the discussion or transaction of public or governmental business through
13 telephonic, video, electronic or other similar means of communication only if all of the
14 following requirements are met:

15 A. The body has adopted a written policy that authorizes a member of the body who
16 is not physically present to participate in a public proceeding through telephonic,
17 video, electronic or other similar means of communication in accordance with this
18 section. The policy must establish criteria that must be met before a member may
19 participate when not physically present. If the policy allows a member who is not
20 physically present to participate in an executive session, the policy must specifically
21 address the circumstances under which the executive session may be conducted to
22 ensure privacy;

23 B. Notice of the public proceeding has been given in accordance with section 406;

24 C. Except as provided in subsection 4, a quorum of the body is assembled physically
25 at the location identified in the notice required by section 406;

26 D. Each member of the body participating in the public proceeding is able to hear all
27 the other members and speak to all the other members during the public proceeding,
28 and members of the public attending the public proceeding in the location identified
29 in the notice required by section 406 are able to hear all members participating from
30 other locations. If documents or materials that include pictures, graphs, illustrations
31 or other information presented in a visual format are part of the discussion, either the
32 communications technology used must ensure that all members can see the
33 documents and materials while the documents and materials are being discussed or
34 the documents and materials must be provided to all members not physically present
35 before or during the proceeding;

36 E. Each member who is not physically present and who is participating through
37 telephonic, video, electronic or other similar means of communication identifies the
38 persons present at the location from which the member is participating;

39 F. All votes taken during the public proceeding are taken by roll call vote; and



1 1. The body must adopt a policy that authorizes such participation and establishes the
2 criteria that must be met under which a member may participate when not physically
3 present. If the policy authorizes such participation in an executive session, the policy
4 must spell out the circumstances for conducting the executive session that will ensure the
5 required privacy.

6 2. Notice of any proceeding must be provided in accordance with the Freedom of
7 Access Act.

8 3. A quorum of the body must be physically present, except that under certain
9 circumstances a body may convene a public proceeding by telephonic, video, electronic
10 or other similar means of communication without a quorum assembled physically at one
11 location. One such circumstance is if the body's governing statute authorizes a meeting
12 using the remote-access technology with less than a quorum physically present in the
13 location listed in the meeting notice.

14 4. Members of the body must be able to hear and speak to each other during the
15 proceeding. If discussions are based on documents or materials that are in visual format,
16 the technology used must also allow all members to see the materials unless the
17 documents and materials are provided before or during the proceedings to all members
18 not physically present.

19 5. A member who is participating remotely must identify the persons present in the
20 location from which the member is participating.

21 6. All votes taken during the public proceeding must be taken by roll call vote.

22 7. Each member who is not physically present and who is participating through
23 telephonic, video, electronic or other similar means of communication must have
24 received, prior to the proceeding, any documents or other materials that will be discussed
25 at the public proceeding, with substantially the same content as those documents actually
26 presented.

27 8. A member of a body who is not physically present may not vote on any issue
28 concerning testimony or other evidence provided during the public proceeding if it is a
29 judicial or quasi-judicial proceeding.

30 9. If a body conducts one or more public proceedings using the remote-access
31 technology, the body must also hold at least one public proceeding annually during which
32 all members of the body in attendance are physically assembled at one location.

SMY
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L.D. 1809

Date: 4/3/14

(Filing No. H-798)

majority

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1300, L.D. 1809, Bill, "An Act Concerning Meetings of Public Bodies Using Communications Technology"

Amend the bill by striking out the title and substituting the following:

'An Act Concerning Meetings of Boards of Trustees and Governing Bodies of Quasi-municipal Corporations and Districts That Provide Water, Sewer and Sanitary Services'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 1 MRSA §403-A is enacted to read:

§403-A. Public proceedings using communications technology by governing bodies of quasi-municipal corporations and districts

1. Application. This section applies to public proceedings conducted by a governing body, including a board of trustees, of a quasi-municipal corporation or district, as defined in Title 30-A, section 2351, subsection 4, that provides water, sewer or sanitary services.

2. Authorized participation. A governing body may conduct a public proceeding during which one or more members of the governing body participate in the discussion or transaction of public or governmental business when not physically present only if all of the following requirements are met:

A. The governing body has adopted a written policy that authorizes a member of the governing body who is not physically present to participate in a public proceeding through combined audio and video means of communication in accordance with this section. The policy must establish criteria that must be met before a member may participate when not physically present. The policy may not allow a member who is not physically present to participate in an executive session;

B. Notice of the public proceeding has been given in accordance with section 406;

COMMITTEE AMENDMENT

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C. Except as provided in subsection 4, a quorum of the governing body is assembled physically at the location identified in the notice required by section 406;

D. Each member of the governing body participating in the public proceeding is able to see and hear all the other members and speak to all the other members during the public proceeding, and members of the public attending the public proceeding in the location identified in the notice required by section 406 are able to see and hear all members participating from other locations. If documents or materials that include pictures, graphs, illustrations or other information presented in a visual format are part of the discussion, either the communications technology used must ensure that all members can see the documents and materials while the documents and materials are being discussed or the documents and materials must be provided to all members not physically present before or during the proceeding;

E. Each member who is not physically present and who is participating through combined audio and video means of communication identifies the persons present at the location from which the member is participating;

F. All votes taken during the public proceeding are taken by roll call vote; and

G. Each member who is not physically present and who is participating through combined audio and video means of communication has received prior to the public proceeding any documents or other materials that will be discussed at the public proceeding, with substantially the same content as those documents actually presented. Documents or other materials made available at the public proceeding may be transmitted to the member not physically present during the public proceeding if the transmission technology is available. Failure to comply with this paragraph does not invalidate the action of a governing body in a public proceeding.

3. Voting; quasi-judicial proceeding. A member of a governing body who is not physically present and who is participating through combined audio and video means of communication may vote in all proceedings other than quasi-judicial proceedings. A member of a governing body who is not physically present may participate in a quasi-judicial proceeding through combined audio and video means of communication, but may not vote on any issue concerning testimony or other evidence provided during the quasi-judicial proceeding. For the purposes of this subsection, "quasi-judicial proceeding" means a proceeding in which the governing body is obligated to objectively determine facts and draw conclusions from the facts so as to provide the basis of an official action when that action may affect the legal rights, duties or privileges of specific persons.

4. Exception to quorum requirement. A governing body may convene a public proceeding by combined audio and video means of communication without a quorum under subsection 2, paragraph C if:

A. An emergency has been declared in accordance with Title 22, section 802, subsection 2-A or Title 37-B, section 742 and:

(1) The public proceeding is necessary to take action to address the emergency;
and

COMMITTEE AMENDMENT

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ROFS

- 1 (2) The governing body otherwise complies with the provisions of this section to
- 2 the extent practicable based on the circumstances of the emergency; or
- 3 B. The governing body is expressly authorized by its governing statute to convene a
- 4 public proceeding by combined audio and video means of communication with less
- 5 than a quorum of the body assembled physically at the location identified in the
- 6 notice required by section 406.
- 7 5. Annual meeting. If a governing body conducts one or more public proceedings
- 8 pursuant to this section, it also shall hold at least one public proceeding annually during
- 9 which members of the governing body in attendance are physically assembled at one
- 10 location and at which no members of the governing body participate by combined audio
- 11 and video means of communication from a different location.'

SUMMARY

12 This amendment is the majority report of the Joint Standing Committee on Judiciary.

13 This amendment limits the application of the bill to the governing bodies of quasi-

14 municipal corporations and districts, as defined in the Maine Revised Statutes, Title

15 30-A, section 2351, subsection 4, that provide water, sewer or sanitary services if the

16 governing bodies adopt policies that meet specified requirements.

17 This amendment limits the type of communication technology that may be used to

18 participate remotely to combined audio and video means of communication that permit

19 all the members of the governing body and the public that are in attendance to see and

20 hear all the members that are participating.

21 This amendment prohibits a member who is not physically present from participating

22 in an executive session.

23 This amendment clarifies that a member who is not physically present may

24 participate and vote remotely, but a member who is not physically present may not vote

25 in a quasi-judicial proceeding on any issue concerning testimony or other evidence

26 provided during the quasi-judicial public proceeding. The amendment defines "quasi-

27 judicial proceeding."

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COMMITTEE AMENDMENT

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L.D. 1809

Date: 4-4-14

(Filing No. H-812)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1300,
L.D. 1809, Bill, "An Act Concerning Meetings of Public Bodies Using Communications
Technology"

Amend the amendment by inserting after section 1 the following:

Sec. 2. 5 MRSA §13080-B, sub-§3, as amended by PL 1995, c. 166, §1, is
further amended to read:

3. **Quorum; voting.** Seven members constitute a quorum. Seven affirmative votes
are required for the board to take action. A member of the authority who is not physically
present at a meeting of the authority may be considered present for purposes of
determining a quorum and participate and vote in all proceedings of the authority if that
member is participating through combined audio and video means of communication.

Sec. 3. 5 MRSA §13083-I, sub-§3, as enacted by PL 2005, c. 599, §1, is
amended to read:

3. **Quorum; voting.** Six members constitute a quorum. Six affirmative votes are
required for the board of trustees to take action. A member of the authority who is not
physically present at a meeting of the authority may be considered present for purposes of
determining a quorum and participate and vote in all proceedings of the authority if that
member is participating through combined audio and video means of communication.

SUMMARY

This amendment expressly allows a member of the Loring Development Authority of
Maine or the Midcoast Regional Redevelopment Authority who is not physically present
at a meeting but who is participating through combined audio and video means of
communication to be considered present for purposes of establishing a quorum and to
participate and vote in all proceedings of the authority.

SPONSORED BY: _____

(Representative WILLETTE)

TOWN: Mapleton



STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

Paul R. LePage
GOVERNOR

22 April 2014

The 126th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1809, "An Act Concerning Meetings of Boards of Trustees and Governing Bodies of Quasi-municipal Corporations and Districts That Provide Water, Sewer and Sanitary Services."

This legislation purports to allow certain quasi-municipal entities to use audio and video technology to conduct meetings. Unfortunately, this legislation is unnecessary and may actually have the impact of reducing the use of technology by governmental entities.

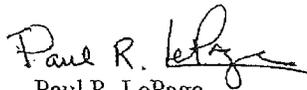
I support increased use of technology to conduct government business. In a rural state like Maine, technology has the potential to create significant efficiencies in the way we govern. It reduces costs and allows entities to recruit better qualified (but often busier) individuals who want to serve, but travel, work and the demands of life may limit the number of meetings these individuals may attend in person. In Maine's island communities, the use of video and teleconferencing to conduct business is not just a convenience, but an absolute necessity.

Many public entities use modern means to conduct a portion of their business. Entities doing this must meet the requirements of Maine statute governing public proceedings. Meetings must be noticed, conducted in public, and records must be kept. A meeting is legal based on whether or not these requirements are met, not on the use of technology.

It is currently legal to conduct a remote meeting as long as it complies with the other requirements of law. Island communities and others do so regularly. This law would call that practice into question. By specifically prescribing and authorizing the use of technology for this very limited subset of entities, it implies that other entities can no longer do so. At best, this ambiguous situation creates uncertainty and could have the effect of discouraging the use of common-sense means to conduct government business.

For these reasons, I return LD 1809 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,


Paul R. LePage
Governor



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Sec. 1. 22 MRSA c. 271, subc. 2 (§1696-A to §1696-F) is repealed.

Sec. 2. 26 MRSA §3 is repealed and the following enacted in its place:

§3. Confidentiality of records

1. Confidential records. Except as provided in subsections 2 and 3, all information and reports received by the director or the director's authorized agents under this Title are confidential for purposes of Title 1, section 402, subsection 3, paragraph A.

2. Exceptions Reports of final bureau action taken under the authority of this Title are public records for the purposes of Title 1, chapter 13, subchapter 1.

3. Authorized disclosure. The director shall make or authorize any disclosure of information of the following types or under the following circumstances with the understanding that the confidentiality of the information will be maintained:

A. Information and reports to other government agencies if the director believes that the information will serve to further the protection of the public or assist in the enforcement of local, state and federal laws; and

B. Information and records pertaining to the work force, employment patterns, wage rates, poverty and low-income patterns, economically distressed communities and regions and other similar information and data to the Department of Economic and Community Development and to the Governor's Office of Policy and Management for the purposes of analysis and evaluation, measuring and monitoring poverty and economic and social conditions throughout the State and to promote economic development.

Sec. 3. 26 MRSA §934 is amended to read:

§934. Conciliation; notification of dispute; proceedings in settlement; report

Whenever it appears to the employer or employees concerned in a labor dispute, or when a strike or lockout is threatened, or actually occurs, he or they may request the services of the board.

If, when the request or notification is received, it appears that a substantial number of employees in the department, section or division of the business of the employer are involved, the board shall endeavor, by conciliation, to obtain an amicable settlement. If the board is unable to obtain an amicable settlement it shall endeavor to persuade the employer and employees to submit the matter to arbitration.

Right to Know Advisory Committee
Draft: Statutory changes to public records exceptions

The board shall, upon notification, as soon as practicable, visit the place where the controversy exists or arrange a meeting of the interested parties at a convenient place, and shall make careful inquiry into the cause of the dispute or controversy, and the board may, with the consent of the Governor, conduct the inquiry beyond the limits of the State.

The board shall hear all interested persons who come before it, advise the respective parties what ought to be done by either or both to adjust the controversy, and shall make a confidential written report to the Governor and the Executive Director of the Maine Labor Relations Board. The Governor or executive director ~~may~~ shall make the report public if, after 15 days from the date of its receipt, the parties have not resolved the controversy and the public interest would be served by publication. In addition, either the Governor or the executive director may refer the report and recommendations of the board to the Attorney General or other department for appropriate action when it appears that any of the laws of this State may have been violated.

Sec. 4. 29-A MRS §152, sub-§3 is amended to read:

3. Central computer system. Notwithstanding any other provisions of law, purchase and maintain a central computer system for purposes of administering this Title and conducting departmental operations. All other uses must be approved by the Secretary of State. ~~The Secretary of State shall adopt rules regarding the maintenance and use of data processing information files required to be kept confidential and shall distinguish those files from files available to the public;~~

Sec. 5. 29-A MRS §257 is repealed.

Sec. 6. 29-A MRS §517, sub-§4 is amended to read:

4. Unmarked law enforcement vehicles. An unmarked motor vehicle used primarily for law enforcement purposes, when authorized by the Secretary of State and upon approval from the appropriate requesting authority, is exempt from displaying a special registration plate. Records for all unmarked vehicle registrations are confidential.

~~Upon receipt of a written request by an appropriate criminal justice official showing cause that it is in the best interest of public safety, the Secretary of State may determine that records of a nongovernment vehicle may be held confidential for a specific period of time, which may not exceed the expiration of the current registration.~~

Sec. 7. 35-A MRS §8703, sub-§5 is amended to read:

5. Confidentiality. ~~Relay service communications must be~~ The providers of telecommunications relay services must keep relay service communications confidential.

Right to Know Advisory Committee

Draft: Statutory changes to public records exceptions

Sec. 8. 38 MRS §414, sub-§6 is amended to read:

6. Confidentiality of records. Any records, reports or information obtained under this subchapter is available to the public, except that upon a showing satisfactory to the department by any person that any records, reports or information, or particular part of any record, report or information, other than the names and addresses of applicants, license applications, licenses and effluent data, to which the department has access under this subchapter would, if made public, divulge methods or processes that are entitled to protection as trade secrets as defined in Title 10, section 1542, subsection 4, these records, reports or information must be confidential and not available for public inspection or examination. Any records, reports or information may be disclosed to employees or authorized representatives of the State or the United States concerned with carrying out this subchapter or any applicable federal law, and to any party to a hearing held under this section on terms the commissioner may prescribe in order to protect these confidential records, reports and information, as long as this disclosure is material and relevant to any issue under consideration by the department.

Sec. 9. 38 MRS §585-B, sub-§6 is amended to read:

6. Mercury reduction plans. An air emission source emitting mercury in excess of 10 pounds per year after January 1, 2007 must develop a mercury reduction plan. Except as provided in subsection 7, the mercury reduction plan must be submitted to the department no later than September 1, 2008. The mercury reduction plan must contain:

- A. Identification, characterization and accounting of the mercury used or released at the emission source; and
- B. Identification, analysis and evaluation of any appropriate technologies, procedures, processes, equipment or production changes that may be utilized by the emission source to reduce the amount of mercury used or released by that emission source, including a financial analysis of the costs and benefits of reducing the amount of mercury used or released.

~~The department may keep information submitted to the department under this subsection confidential as provided under section 1310-B.~~

The department shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than March 1, 2009 summarizing the mercury emissions and mercury reduction potential from those emission sources subject to this subsection. In addition, the department shall include an evaluation of the appropriateness of the 25-pound mercury standard established in subsection 5. The evaluation must address, but is not limited to, the technological feasibility, cost and schedule of achieving the standards established in subsection 5. The department shall

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Draft: Statutory changes to public records exceptions

submit an updated report to the committee by March 1, 2013. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to report out to the 126th Legislature a bill relating to the evaluation and the updated report.

Sec. 10. 38 MRSA §585-C, sub-§2, ¶D is repealed:

2. Emissions inventory. The commissioner shall carry out and maintain an inventory of the sources in the State emitting any substance that may be a hazardous air pollutant.

A. This inventory must include the following data for each of those substances:

- (1) The number of sources;
- (2) The location of each source or category of source;
- (3) The quantity emitted by each source or category of source;
- (4) The total emissions; and
- (5) The percentage of total emissions generated by sources with existing air licenses.

B. In conducting this inventory, the commissioner may rely upon questionnaires or other reasonable methods, including those established by the United States Environmental Protection Agency, for the purpose of carrying out this duty as promptly and efficiently as possible. The commissioner shall clearly indicate on any requests for information the minimum amount of emissions that must be reported. The commissioner may not require reporting of this information more frequently than every other year.

C. In carrying out this inventory, the commissioner may require persons to provide information on forms supplied by the commissioner. Refusal to provide the information subjects the person of whom it is requested to a civil penalty of not more than \$100 for each day's delay. Submission of false information constitutes a violation of section 349, subsection 3, in addition to being subject to remedies otherwise available by law.

~~D. Information relating to the emissions inventory submitted to the commissioner under this section may be designated by the person submitting it as being only for the confidential use of the commissioner. Designated confidential information must be handled as confidential information is handled under section 1310-B, with the exception of emissions data which is public record.~~

Right to Know Advisory Committee

Draft: Statutory changes to public records exceptions

SUMMARY

This proposed legislation implements the recommendations of the Right to Know Advisory Committee relating to existing public records exceptions in Title 22 and Titles 26 to 39-A. The legislation does the following.

Section 1 repeals the Community Right to Know Act, a program within the Department of Health and Human Services intended to provide disclosure of information about hazardous substances in the community that has never been implemented.

Section 2 makes clear that reports of final bureau action are public records, removing the language in current law that gives the director of the Bureau of Labor Standards the discretion to release reports.

Section 3 relates to reports of the State Board of Arbitration and Conciliation in a labor dispute. The amendment makes clear that the report must be released 15 days after its receipt by the Governor and Executive Director of the Maine Labor Relations Board if the conciliation process is not successful.

Section 4 repeals language authorizing the Secretary of State to adopt rules relating to maintenance and use of data processing files concerning motor vehicles as the confidentiality of personal information is already protected under federal law.

Section 5 repeals a provision relating to the Secretary of State's motor vehicle information technology system because the confidentiality of the system is already addressed in another provision of law.

Section 6 removes language that is redundant with another section of law.

Section 7 clarifies that it is the responsibility of the providers of telecommunications relay services to keep relay services communications confidential.

Section 8 adds a cross-reference to the definition of "trade secret".

Section 9 repeals language making mercury reduction plans for air emission source emitting mercury confidential.

Section 10 repeals language making hazardous air pollutant emissions inventory reports confidential.

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6

Right to Know Advisory Committee

Draft: Add Information Technology expert to RTK AC membership

Sec. 1. 1 MRSA §411, sub-§2 is amended to read:

- 2. Membership.** The advisory committee consists of the following members:
- A. One Senator who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the President of the Senate;
 - B. One member of the House of Representatives who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the Speaker of the House;
 - C. One representative of municipal interests, appointed by the Governor;
 - D. One representative of county or regional interests, appointed by the President of the Senate;
 - E. One representative of school interests, appointed by the Governor;
 - F. One representative of law enforcement interests, appointed by the President of the Senate;
 - G. One representative of the interests of State Government, appointed by the Governor;
 - H. One representative of a statewide coalition of advocates of freedom of access, appointed by the Speaker of the House;
 - I. One representative of newspaper and other press interests, appointed by the President of the Senate;
 - J. One representative of newspaper publishers, appointed by the Speaker of the House;
 - K. Two representatives of broadcasting interests, one appointed by the President of the Senate and one appointed by the Speaker of the House;
 - L. Two representatives of the public, one appointed by the President of the Senate and one appointed by the Speaker of the House; ~~and~~
 - M. The Attorney General or the Attorney General's designee; and
 - N. One member with broad experience and understanding of issues and costs in multiple areas of information technology, including practical applications concerning creation, storage, retrieval and accessibility of electronic records; use of communication technologies to support meetings, including audio and web

Right to Know Advisory Committee

Draft: Add Information Technology expert to RTK AC membership

conferencing; databases for records management and reporting; and information technology system, development and support, appointed by the Governor.

The advisory committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee.

SUMMARY

This bill adds one additional member to the Right to Know Advisory Committee, appointed by the Governor. The new position will bring information technology expertise to the Advisory Committee.



Right to Know Advisory Committee

Draft: Change reporting date for Public Access Ombudsman

Sec. 1. 5 MRSA §200-I, sub-§5 is amended to read:

§200-I. Public Access Division; Public Access Ombudsman

1. Public Access Division; Public Access Ombudsman. There is created within the Department of the Attorney General the Public Access Division to assist in compliance with the State's freedom of access laws, Title 1, chapter 13. The Attorney General shall appoint the Public Access Ombudsman, referred to in this section as "the ombudsman," to administer the division.

2. Duties. The ombudsman shall:

A. Prepare and make available interpretive and educational materials and programs concerning the State's freedom of access laws in cooperation with the Right To Know Advisory Committee established in Title 1, section 411;

B. Respond to informal inquiries made by the public and public agencies and officials concerning the State's freedom of access laws;

C. Respond to and work to resolve complaints made by the public and public agencies and officials concerning the State's freedom of access laws;

D. Furnish, upon request, advisory opinions regarding the interpretation of and compliance with the State's freedom of access laws to any person or public agency or official in an expeditious manner. The ombudsman may not issue an advisory opinion concerning a specific matter with respect to which a lawsuit has been filed under Title 1, chapter 13. Advisory opinions must be publicly available after distribution to the requestor and the parties involved;

E. Make recommendations concerning ways to improve public access to public records and proceedings.; and

F. Coordinate with the state agency public access officers the compilation of data through the development of a uniform log to facilitate record keeping and annual reporting of the number of requests for information, the average response time and the costs of processing requests.

3. Assistance. The ombudsman may request from any public agency or official such assistance, services and information as will enable the ombudsman to effectively carry out the responsibilities of this section.

4. Confidentiality. The ombudsman may access records that a public agency or official believes are confidential in order to make a recommendation concerning whether the public agency or official may release the records to the public. The ombudsman's recommendation is not binding on the public agency or official. The ombudsman shall maintain the confidentiality of records and information provided to the ombudsman by a

Right to Know Advisory Committee

Draft: Change reporting date for Public Access Ombudsman

public agency or official under this subsection and shall return the records to the public agency or official when the ombudsman's review is complete.

5. Report. The ombudsman shall submit a report not later than ~~March~~ January 15th of each year to the Legislature and the Right To Know Advisory Committee established in Title 1, section 411 concerning the activities of the ombudsman for the previous year. The report must include:

- A. The total number of inquiries and complaints received;
- B. The number of inquiries and complaints received respectively from the public, the media and public agencies or officials;
- C. The number of complaints received concerning respectively public records and public meetings;
- D. The number of complaints received concerning respectively:
 - (1) State agencies;
 - (2) County agencies;
 - (3) Regional agencies;
 - (4) Municipal agencies;
 - (5) School administrative units; and
 - (6) Other public entities;
- E. The number of inquiries and complaints that were resolved;
- F. The total number of written advisory opinions issued and pending; and
- G. Recommendations concerning ways to improve public access to public records and proceedings.

SUMMARY

Current law requires the Public Access Ombudsman to submit an annual report to the Right to Know Advisory Committee and the Legislature by March 15th of each year. This bill changes the reporting date to January 15th of each year, which is the same date by which the Right to Know Advisory Committee is required to submit its annual report.

Sec. 1. 1 MRSA §408-A is amended to read

§ 408-A. Public records available for inspection and copying

Except as otherwise provided by statute, a person has the right to inspect and copy any public record in accordance with this section within a reasonable time of making the request to inspect or copy the public record.

1. Inspect. A person may inspect any public record during reasonable office hours. ~~At a~~ A body, agency or official may not charge a fee for inspection unless the public record cannot be inspected without being converted or compiled, in which case the body, agency or official may charge a fee as provided in subsection 8.

2. Copy. A person may copy a public record in the office of the body, agency or official having custody of the public record during reasonable office hours or may request that the body, agency or official having custody of the record provide a copy. The body, agency or official may charge a fee for copies as provided in subsection 8.

A. A request need not be made in person or in writing.

B. The agency or official shall mail the copy upon request.

3. Acknowledgment; clarification; time estimate; cost estimate. The body, agency or official having custody or control of a public record shall acknowledge receipt of a request made according to this section within 5 working days of receiving the request, ~~and the body, agency or official~~ may request clarification concerning which public record or public records are being requested. Within a reasonable time of receiving the request, the body, agency or official shall provide a good faith, nonbinding estimate of the time within which the body, agency or official will comply with the request, as well as a cost estimate as provided in subsection 9. The body, agency or official shall make a good faith effort to fully respond to the request within the estimated time. For purposes of this section, the date a request is received is the date a sufficient description of the public record is received by the body, agency or official at the office responsible for maintaining the public record.

4. Refusals; denials. If a body, ~~or an~~ agency or official having custody or control of any public record refuses permission to inspect or copy ~~or abstract~~ a public record, the body, ~~or~~ agency or official shall provide written notice of the denial, stating the reason for the denial, within 5 working days of the receipt of the request for inspection or copying. Failure to ~~comply with~~ provide the notice required by this subsection within 10 working days of the receipt of the request is considered failure a denial to allow inspection or copying and is subject to appeal as provided in section 409.

5. Schedule. Inspection, conversion pursuant to subsection 7 and copying of a public record subject to a request under this section may be scheduled to occur at a time that will not delay or inconvenience the regular activities of the body, agency or official having custody or control of the public record requested. If the body, agency or official does not have regular office hours, the name and telephone number of a contact person authorized to provide access to the body's, agency's or official's records must be posted in a conspicuous public place and at the office of the body, agency or official, if an office exists.

Right to Know Advisory Committee
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6. No requirement to create new record. ~~An~~ A body, agency or official is not required to create a record that does not exist.

7. Electronically stored public records. ~~An~~ A body, agency or official having custody or control of a public record subject to a request under this section shall provide access to an electronically stored public record either as a printed document of the public record or in the medium in which the record is stored, at the requester's option, except that the body, agency or official is not required to provide access to an electronically stored public record as a computer file if the body, agency or official does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file.

A. If in order to provide access to an electronically stored public record the body, agency or official converts the record into a form susceptible of visual or aural comprehension or into a usable format for inspection or copying, the body, agency or official may charge a fee to cover the cost of conversion as provided in subsection 8.

B. This subsection does not require ~~an~~ a body, agency or official to provide a requester with access to a computer terminal.

8. Payment of costs. Except as otherwise specifically provided by law or court order, ~~an~~ a body, agency or official having custody of a public record may charge fees for public records as follows.

A. The body, agency or official may charge a reasonable fee to cover the cost of copying.

B. The body, agency or official may charge a fee to cover the actual cost of searching for, retrieving and compiling the requested public record of not more than \$15 per hour after the first hour of staff time per request. Compiling the public record includes reviewing and redacting confidential information.

C. The body, agency or official may charge for the actual cost to convert a public record into a form susceptible of visual or aural comprehension or into a usable format.

D. ~~An~~ A body, agency or official may not charge for inspection unless the public record cannot be inspected without being compiled or converted, in which case paragraph B or C applies.

E. The body, agency or official may charge for the actual mailing costs to mail a copy of a record.

9. Estimate. The body, agency or official having custody or control of a public record subject to a request under this section shall provide to the requester an estimate of the time necessary to complete the request and of the total cost as provided by subsection 8. If the estimate of the total cost is greater than \$30, the body, agency or official shall inform the requester before proceeding. If the estimate of the total cost is greater than \$100, subsection 10 applies.

10. Payment in advance. The body, agency or official having custody or control of a public record subject to a request under this section may require a requester to pay all or a portion of the estimated costs to complete the request prior to the search, retrieval, compiling, conversion

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and copying of the public record if:

- A. The estimated total cost exceeds \$100; or
- B. The requester has previously failed to pay a properly assessed fee under this chapter in a timely manner.

11. Waivers. The body, agency or official having custody or control of a public record subject to a request under this section may waive part or all of the total fee charged pursuant to subsection 8 if:

- A. The requester is indigent; or
- B. The body, agency or official considers release of the public record requested to be in the public interest because doing so is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester.

Sec. 2. 1 MRSA §409, sub-§1 is amended to read:

§409. Appeals

1. Records. Any person aggrieved by a ~~refusal or denial to inspect or copy a record or the failure to allow the inspection or copying of a record~~ under section 408-A may appeal the ~~refusal, denial or failure~~ within 30 calendar days of the receipt of the written notice of ~~refusal, denial or failure~~ or 40 days from the date of the request if no written notice is provided under section 408-A, subsection 4 to any the Superior Court within the State as a trial de novo for the county in which the person resides or in which the body or agency maintains an office to which the person made the request. The body, agency or official shall file an answer a statement of position within 14 calendar days of service of the appeal. If a court, after a ~~trial de novo review and taking testimony and other evidence it determines necessary,~~ determines such ~~refusal, denial or failure~~ was not for just and proper cause, the court shall enter an order for disclosure. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

2. Actions. If any body or agency approves any ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action in an executive session, this action is illegal and the officials responsible are subject to the penalties hereinafter provided. Upon learning of any such action, any person may appeal to any Superior Court in the State. If a court, after a trial de novo, determines this action was taken illegally in an executive session, it shall enter an order providing for the action to be null and void. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

3. Proceedings not exclusive. The proceedings authorized by this section are not exclusive of any other civil remedy provided by law.

4. Attorney's fees. In an appeal under subsection 1 or 2, the court may award reasonable attorney's fees and litigation expenses to the substantially prevailing plaintiff who

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appealed the refusal under subsection 1 or the illegal action under subsection 2 if the court determines that the refusal or illegal action was committed in bad faith. Attorney's fees and litigation costs may not be awarded to or against a federally recognized Indian tribe.

This subsection applies to appeals under subsection 1 or 2 filed on or after January 1, 2010.

SUMMARY

This bill amends the Freedom of Access Act to clarify that the date of receipt of a request to copy or inspect a public record is the date a sufficient description of the public record is received by the body, agency or official at the office responsible for maintaining the public record.

Current law requires a body, agency or official to provide, within 5 days of the receipt of a request to inspect or copy a public record, a written notice that the request is denied. This bill clarifies that refusing to allow inspection or copying is considered a denial, as is the failure, within 10 days of the receipt of a request, to provide a written notice that the request is denied.

This bill amends the Freedom of Access Act with regard to appeals of denials of request to inspect or copy public records. Under current law, a person whose request has been denied may appeal the denial to any Superior Court within 30 calendar days of receipt of the written notice of denial. If no written notice of denial is provided, the requestor may file an appeal with 40 calendar days of the request. The bill provides that the appeal must be filed in the Superior Court for the county where the requestor resides or where the body or agency maintains an office to which the request was made. Current law requires the agency or official to file an answer within 14 calendar days. This bill requires the body, agency or official to a statement of position within 14 calendar days of service of the appeal. This bill provides that the court does not have to convene a trial, but must conduct a de novo review and shall take testimony and other evidence it determines necessary, and if it determines that the denial was not for just and proper cause, the court shall enter an order for disclosure.

This bill revises the language in sections 408-A and 409 to clarify that the provisions apply to public bodies as well as agencies and officials.



126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1821

H.P. 1311

House of Representatives, March 17, 2014

**An Act To Implement Recommendations of the Right To Know
Advisory Committee**

Reported by Representative PRIEST of Brunswick for the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **PART A**

3 **Sec. A-1. 22 MRSA c. 271, sub-c. 2,** as amended, is repealed.

4 **Sec. A-2. 26 MRSA §3,** as amended by PL 2011, c. 655, Pt. DD, §10 and affected
5 by §24, is repealed and the following enacted in its place:

6 **§3. Confidentiality of records**

7 **1. Confidential records.** Except as provided in subsections 2 and 3, all information
8 and reports received by the director or the director's authorized agents under this Title are
9 confidential.

10 **2. Exceptions.** Reports of final bureau action taken under the authority of this Title
11 are public records for the purposes of Title 1, chapter 13, subchapter 1.

12 **3. Authorized disclosure.** The director shall make or authorize any disclosure of
13 information of the following types or under the following circumstances with the
14 understanding that the confidentiality of the information will be maintained:

15 A. Information and reports disclosed to other government agencies if the director
16 believes that the information will serve to further the protection of the public or assist
17 in the enforcement of local, state and federal laws; and

18 B. Information and records pertaining to the work force, employment patterns, wage
19 rates, poverty and low-income patterns, economically distressed communities and
20 regions and other similar information and data disclosed to the Department of
21 Economic and Community Development and to the Governor's Office of Policy and
22 Management for the purposes of analysis and evaluation, for the purposes of
23 measuring and monitoring poverty and economic and social conditions throughout
24 the State and to promote economic development.

25 **Sec. A-3. 26 MRSA §934, last ¶,** as enacted by PL 1985, c. 294, §§2 and 3, is
26 amended to read:

27 The board shall hear all interested persons who come before it, advise the respective
28 parties what ought to be done by either or both to adjust the controversy, and shall make a
29 confidential written report to the Governor and the Executive Director of the Maine
30 Labor Relations Board. The Governor or executive director ~~may~~ shall make the report
31 public if, after 15 days from the date of its receipt, the parties have not resolved the
32 controversy and the public interest would be served by publication. In addition, either the
33 Governor or the executive director may refer the report and recommendations of the
34 board to the Attorney General or other department for appropriate action when it appears
35 that any of the laws of this State may have been violated.

36 **Sec. A-4. 29-A MRSA §152, sub-§3,** as enacted by PL 1993, c. 683, Pt. A, §2
37 and affected by Pt. B, §5, is amended to read:

1 **3. Central computer system.** Notwithstanding any other provisions of law,
2 purchase and maintain a central computer system for purposes of administering this Title
3 and conducting departmental operations. All other uses must be approved by the
4 Secretary of State. ~~The Secretary of State shall adopt rules regarding the maintenance~~
5 ~~and use of data processing information files required to be kept confidential and shall~~
6 ~~distinguish those files from files available to the public;~~

7 **Sec. A-5. 29-A MRSA §257**, as enacted by PL 2003, c. 434, §6 and affected by
8 §37, is repealed.

9 **Sec. A-6. 29-A MRSA §517, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2
10 and affected by Pt. B, §5, is amended to read:

11 **4. Unmarked law enforcement vehicles.** An unmarked motor vehicle used
12 primarily for law enforcement purposes, when authorized by the Secretary of State and
13 upon approval from the appropriate requesting authority, is exempt from displaying a
14 special registration plate. Records for all unmarked vehicle registrations are confidential.

15 ~~Upon receipt of a written request by an appropriate criminal justice official showing~~
16 ~~cause that it is in the best interest of public safety, the Secretary of State may determine~~
17 ~~that records of a nongovernment vehicle may be held confidential for a specific period of~~
18 ~~time, which may not exceed the expiration of the current registration.~~

19 **Sec. A-7. 35-A MRSA §8703, sub-§5**, as enacted by PL 1989, c. 851, §7, is
20 amended to read:

21 **5. Confidentiality.** ~~Relay service communications must be~~ The providers of
22 telecommunications relay services must keep relay service communications confidential.

23 **Sec. A-8. 38 MRSA §414, sub-§6**, as amended by PL 1997, c. 794, Pt. A, §20, is
24 further amended to read:

25 **6. Confidentiality of records.** Any records, reports or information obtained under
26 this subchapter is available to the public, except that upon a showing satisfactory to the
27 department by any person that any records, reports or information, or particular part of
28 any record, report or information, other than the names and addresses of applicants,
29 license applications, licenses and effluent data, to which the department has access under
30 this subchapter would, if made public, divulge methods or processes that are entitled to
31 protection as trade secrets as defined in Title 10, section 1542, subsection 4, these
32 records, reports or information must be confidential and not available for public
33 inspection or examination. Any records, reports or information may be disclosed to
34 employees or authorized representatives of the State or the United States concerned with
35 carrying out this subchapter or any applicable federal law, and to any party to a hearing
36 held under this section on terms the commissioner may prescribe in order to protect these
37 confidential records, reports and information, as long as this disclosure is material and
38 relevant to any issue under consideration by the department.

39 **Sec. A-9. 38 MRSA §585-B, sub-§6**, as amended by PL 2009, c. 535, §2, is
40 further amended to read:



1 **6. Mercury reduction plans.** An air emission source emitting mercury in excess of
2 10 pounds per year after January 1, 2007 must develop a mercury reduction plan. Except
3 as provided in subsection 7, the mercury reduction plan must be submitted to the
4 department no later than September 1, 2008. The mercury reduction plan must contain:

5 A. Identification, characterization and accounting of the mercury used or released at
6 the emission source; and

7 B. Identification, analysis and evaluation of any appropriate technologies,
8 procedures, processes, equipment or production changes that may be utilized by the
9 emission source to reduce the amount of mercury used or released by that emission
10 source, including a financial analysis of the costs and benefits of reducing the amount
11 of mercury used or released.

12 ~~The department may keep information submitted to the department under this subsection~~
13 ~~confidential as provided under section 1310-B.~~

14 The department shall submit a report to the joint standing committee of the Legislature
15 having jurisdiction over natural resources matters no later than March 1, 2009
16 summarizing the mercury emissions and mercury reduction potential from those emission
17 sources subject to this subsection. In addition, the department shall include an evaluation
18 of the appropriateness of the 25-pound mercury standard established in subsection 5.
19 The evaluation must address, but is not limited to, the technological feasibility, cost and
20 schedule of achieving the standards established in subsection 5. The department shall
21 submit an updated report to the committee by March 1, 2013. The joint standing
22 committee of the Legislature having jurisdiction over natural resources matters is
23 authorized to report out to the 126th Legislature a bill relating to the evaluation and the
24 updated report.

25 **Sec. A-10. 38 MRSA §585-C, sub-§2, ¶D,** as affected by PL 1989, c. 890, Pt.
26 A, §40 and amended by Pt. B, §160, is repealed.

27 **Sec. A-11. 38 MRSA §1310-B, sub-§2,** as repealed and replaced by PL 2011, c.
28 420, Pt. A, §35 and amended by c. 657, Pt. W, §5, is further amended to read:

29 **2. Hazardous waste information and information on mercury-added products**
30 **and electronic devices; chemicals.** Information relating to hazardous waste submitted to
31 the department under this subchapter, information relating to mercury-added products
32 submitted to the department under chapter 16-B, information relating to electronic
33 devices submitted to the department under section 1610, subsection 6-A, ~~information~~
34 ~~relating to mercury reduction plans submitted to the department under section 585-B,~~
35 ~~subsection 6,~~ information related to priority toxic chemicals submitted to the department
36 under chapter 27 or information related to products that contain the "deca" mixture of
37 polybrominated diphenyl ethers submitted to the department under section 1609 may be
38 designated by the person submitting it as being only for the confidential use of the
39 department, its agents and employees, the Department of Agriculture, Conservation and
40 Forestry and the Department of Health and Human Services and their agents and
41 employees, other agencies of State Government, as authorized by the Governor,
42 employees of the United States Environmental Protection Agency and the Attorney
43 General and, for waste information, employees of the municipality in which the waste is



1 located. The designation must be clearly indicated on each page or other portion of
2 information. The commissioner shall establish procedures to ensure that information so
3 designated is segregated from public records of the department. The department's public
4 records must include the indication that information so designated has been submitted to
5 the department, giving the name of the person submitting the information and the general
6 nature of the information. Upon a request for information, the scope of which includes
7 information so designated, the commissioner shall notify the submitter. Within 15 days
8 after receipt of the notice, the submitter shall demonstrate to the satisfaction of the
9 department that the designated information should not be disclosed because the
10 information is a trade secret or production, commercial or financial information, the
11 disclosure of which would impair the competitive position of the submitter and would
12 make available information not otherwise publicly available. Unless such a
13 demonstration is made, the information must be disclosed and becomes a public record.
14 The department may grant or deny disclosure for the whole or any part of the designated
15 information requested and within 15 days shall give written notice of the decision to the
16 submitter and the person requesting the designated information. A person aggrieved by a
17 decision of the department may appeal only to the Superior Court in accordance with the
18 provisions of section 346. All information provided by the department to the
19 municipality under this subsection is confidential and not a public record under Title 1,
20 chapter 13. In the event a request for such information is submitted to the municipality,
21 the municipality shall submit that request to the commissioner to be processed by the
22 department as provided in this subsection.

23

PART B

24 **Sec. B-1. 1 MRSA §411, sub-§2, ¶¶L and M**, as enacted by PL 2005, c. 631,
25 §1, are amended to read:

26 L. Two representatives of the public, one appointed by the President of the Senate
27 and one appointed by the Speaker of the House; ~~and~~

28 M. The Attorney General or the Attorney General's designee; and

29 **Sec. B-2. 1 MRSA §411, sub-§2, ¶N** is enacted to read:

30 N. One member, appointed by the Governor, with broad experience in and
31 understanding of issues and costs in multiple areas of information technology,
32 including practical applications concerning creation, storage, retrieval and
33 accessibility of electronic records; use of communication technologies to support
34 meetings, including audio and Internet conferencing; databases for records
35 management and reporting; and information technology system development and
36 support.

37

PART C

38 **Sec. C-1. 5 MRSA §200-I, sub-§5**, as enacted by PL 2007, c. 603, §1, is
39 amended to read:

40 **5. Report.** The ombudsman shall submit a report not later than ~~March~~ January 15th
41 of each year to the Legislature and the Right To Know Advisory Committee established

1 in Title 1, section 411 concerning the activities of the ombudsman for the previous year.
2 The report must include:

- 3 A. The total number of inquiries and complaints received;
- 4 B. The number of inquiries and complaints received respectively from the public, the
5 media and public agencies or officials;
- 6 C. The number of complaints received concerning respectively public records and
7 public meetings;
- 8 D. The number of complaints received concerning respectively:
 - 9 (1) State agencies;
 - 10 (2) County agencies;
 - 11 (3) Regional agencies;
 - 12 (4) Municipal agencies;
 - 13 (5) School administrative units; and
 - 14 (6) Other public entities;
- 15 E. The number of inquiries and complaints that were resolved;
- 16 F. The total number of written advisory opinions issued and pending; and
- 17 G. Recommendations concerning ways to improve public access to public records
18 and proceedings.

19 **PART D**

20 **Sec. D-1. 1 MRSA §408-A**, as amended by PL 2013, c. 350, §§1 and 2, is further
21 amended to read:

22 **§408-A. Public records available for inspection and copying**

23 Except as otherwise provided by statute, a person has the right to inspect and copy
24 any public record in accordance with this section within a reasonable time of making the
25 request to inspect or copy the public record.

26 **1. Inspect.** A person may inspect any public record during reasonable office hours.
27 ~~An~~ A body, agency or official may not charge a fee for inspection unless the public
28 record cannot be inspected without being converted or compiled, in which case the body,
29 agency or official may charge a fee as provided in subsection 8.

30 **2. Copy.** A person may copy a public record in the office of the body, agency or
31 official having custody of the public record during reasonable office hours or may request
32 that the body, agency or official having custody of the record provide a copy. The body,
33 agency or official may charge a fee for copies as provided in subsection 8.

- 34 A. A request need not be made in person or in writing.
- 35 B. The body, agency or official shall mail the copy upon request.

20

1 **3. Acknowledgment; clarification; time estimate; cost estimate.** The body,
2 agency or official having custody or control of a public record shall acknowledge receipt
3 of a request made according to this section within 5 working days of receiving the request
4 ~~and.~~ The body, agency or official may request clarification concerning which public
5 record or public records are being requested. Within a reasonable time of receiving the
6 request, the body, agency or official shall provide a good faith, nonbinding estimate of
7 the time within which the body, agency or official will comply with the request, as well
8 as a cost estimate as provided in subsection 9. The body, agency or official shall make a
9 good faith effort to fully respond to the request within the estimated time. For purposes
10 of this subsection, the date a request is received is the date a sufficient description of the
11 public record is received by the body, agency or official.

12 **4. Refusals; denials.** If a body ~~or an,~~ agency or official having custody or control of
13 any public record refuses permission to inspect or copy ~~or abstract~~ a public record, the
14 body ~~or,~~ agency or official shall provide written notice of the denial, stating the reason for
15 the denial, within 5 working days of the receipt of the request for inspection or copying.
16 Failure to ~~comply with~~ provide the notice required by this subsection within 10 working
17 days of the receipt of the request is considered ~~failure~~ a denial to allow inspection or
18 copying and is subject to appeal as provided in section 409.

19 **5. Schedule.** Inspection, conversion pursuant to subsection 7 and copying of a
20 public record subject to a request under this section may be scheduled to occur at a time
21 that will not delay or inconvenience the regular activities of the body, agency or official
22 having custody or control of the public record requested. If the body, agency or official
23 does not have regular office hours, the name and telephone number of a contact person
24 authorized to provide access to the body's, agency's or official's records must be posted in
25 a conspicuous public place and at the office of the body, agency or official, if an office
26 exists.

27 **6. No requirement to create new record.** ~~An~~ A body, agency or official is not
28 required to create a record that does not exist.

29 **7. Electronically stored public records.** ~~An~~ A body, agency or official having
30 custody or control of a public record subject to a request under this section shall provide
31 access to an electronically stored public record either as a printed document of the public
32 record or in the medium in which the record is stored, at the requester's option, except
33 that the body, agency or official is not required to provide access to an electronically
34 stored public record as a computer file if the body, agency or official does not have the
35 ability to separate or prevent the disclosure of confidential information contained in or
36 associated with that file.

37 A. If in order to provide access to an electronically stored public record the body,
38 agency or official converts the record into a form susceptible of visual or aural
39 comprehension or into a usable format for inspection or copying, the body, agency or
40 official may charge a fee to cover the cost of conversion as provided in subsection 8.

41 B. This subsection does not require ~~an~~ a body, agency or official to provide a
42 requester with access to a computer terminal.

1 **8. Payment of costs.** Except as otherwise specifically provided by law or court
2 order, ~~an~~ a body, agency or official having custody of a public record may charge fees for
3 public records as follows.

4 A. The body, agency or official may charge a reasonable fee to cover the cost of
5 copying.

6 B. The body, agency or official may charge a fee to cover the actual cost of
7 searching for, retrieving and compiling the requested public record of not more than
8 \$15 per hour after the first hour of staff time per request. Compiling the public record
9 includes reviewing and redacting confidential information.

10 C. The body, agency or official may charge for the actual cost to convert a public
11 record into a form susceptible of visual or aural comprehension or into a usable
12 format.

13 D. ~~An~~ A body, agency or official may not charge for inspection unless the public
14 record cannot be inspected without being compiled or converted, in which case
15 paragraph B or C applies.

16 E. The body, agency or official may charge for the actual mailing costs to mail a
17 copy of a record.

18 **9. Estimate.** The body, agency or official having custody or control of a public
19 record subject to a request under this section shall provide to the requester an estimate of
20 the time necessary to complete the request and of the total cost as provided by subsection
21 8. If the estimate of the total cost is greater than \$30, the body, agency or official shall
22 inform the requester before proceeding. If the estimate of the total cost is greater than
23 \$100, subsection 10 applies.

24 **10. Payment in advance.** The body, agency or official having custody or control of
25 a public record subject to a request under this section may require a requester to pay all or
26 a portion of the estimated costs to complete the request prior to the search, retrieval,
27 compiling, conversion and copying of the public record if:

28 A. The estimated total cost exceeds \$100; or

29 B. The requester has previously failed to pay a properly assessed fee under this
30 chapter in a timely manner.

31 **11. Waivers.** The body, agency or official having custody or control of a public
32 record subject to a request under this section may waive part or all of the total fee charged
33 pursuant to subsection 8 if:

34 A. The requester is indigent; or

35 B. The body, agency or official considers release of the public record requested to be
36 in the public interest because doing so is likely to contribute significantly to public
37 understanding of the operations or activities of government and is not primarily in the
38 commercial interest of the requester.

39 **Sec. D-2. 1 MRSA §409, sub-§1,** as repealed and replaced by PL 2013, c. 350,
40 §3, is amended to read:

1 **1. Records.** Any person aggrieved by a refusal or denial to inspect or copy a record
2 ~~or the failure to allow the inspection or copying of a record~~ under section 408-A may
3 appeal the ~~refusal, denial or failure~~ within 30 calendar days of the receipt of the written
4 notice of ~~refusal, denial or failure~~ or 40 days from the date of the request if no written
5 notice is provided under section 408-A, subsection 4 to any the Superior Court within the
6 State as a trial de novo for the county in which the person resides or in which the body,
7 agency or official maintains an office to which the person made the request. The body,
8 agency or official shall file an answer within 14 calendar days of service of the appeal. If
9 a court, after a ~~trial~~ trial de novo review and taking testimony and other evidence it determines
10 necessary, determines such ~~refusal, denial or failure~~ was not for just and proper cause, the
11 court shall enter an order for disclosure. Appeals may be advanced on the docket and
12 receive priority over other cases when the court determines that the interests of justice so
13 require.

14

SUMMARY

15 This bill implements recommendations from the Right To Know Advisory
16 Committee.

17 Part A implements the recommendations of the Right To Know Advisory Committee
18 relating to existing public records exceptions in the Maine Revised Statutes, Titles 22, 26,
19 29-A, 35-A and 38. The legislation does the following.

20 It repeals the Community Right-to-Know Act, a program within the Department of
21 Health and Human Services intended to provide disclosure of information about
22 hazardous substances in the community. The program has never been implemented.

23 It makes clear that reports of final bureau action are public records, removing the
24 language in current law that gives the Director of the Bureau of Labor Standards within
25 the Department of Labor the discretion to release reports.

26 It amends the laws governing reports of the State Board of Arbitration and
27 Conciliation in a labor dispute. The bill makes clear that a report must be released 15
28 days after its receipt by the Governor and the Executive Director of the Maine Labor
29 Relations Board if the conciliation process is not successful.

30 It strikes language authorizing the Secretary of State to adopt rules relating to
31 maintenance and use of data processing files concerning motor vehicles as the
32 confidentiality of personal information is already protected under the federal Driver's
33 Privacy Protection Act of 1994.

34 It repeals a provision relating to the Secretary of State's motor vehicle information
35 technology system because the confidentiality of the system is already addressed in the
36 Maine Revised Statutes, Title 1, section 402, subsection 3, paragraph M.

37 It removes language that is redundant with another section of law concerning
38 nongovernment vehicle registrations in the Maine Revised Statutes, Title 29-A, section
39 253.

1 It clarifies that it is the responsibility of the providers of telecommunications relay
2 services to keep relay service communications confidential.

3 It adds a cross-reference to the definition of "trade secret" in the law governing waste
4 discharge licenses.

5 It strikes language allowing mercury reduction plans for air emission sources emitting
6 mercury to be designated as confidential.

7 It repeals language allowing hazardous air pollutant emissions inventory reports to be
8 designated as confidential.

9 Part B adds one additional member to the Right To Know Advisory Committee,
10 appointed by the Governor. The new position will bring information technology
11 expertise to the committee.

12 Current law requires the Public Access Ombudsman to submit an annual report to the
13 Right To Know Advisory Committee and the Legislature by March 15th of each year.
14 Part C changes the reporting date to January 15th of each year, which is the same date by
15 which the Right To Know Advisory Committee is required to submit its annual report.

16 Part D amends the Freedom of Access Act to clarify that the date of receipt of a
17 request to copy or inspect a public record is the date a sufficient description of the public
18 record is received by the body, agency or official.

19 Current law requires a body, agency or official to provide, within 5 days of the
20 receipt of a request to inspect or copy a public record, a written notice that the request is
21 denied. Part D clarifies that refusing to allow inspection or copying is considered a
22 denial, as is the failure, within 10 days of the receipt of a request, to provide a written
23 notice that the request is denied.

24 Part D amends the Freedom of Access Act with regard to appeals of denials of
25 requests to inspect or copy public records. Under current law, a person whose request has
26 been denied may appeal the denial to any Superior Court within 30 calendar days of
27 receipt of the written notice of denial. The bill provides that if no written notice of denial
28 is provided, the requester may file an appeal within 40 calendar days of the request in the
29 Superior Court for the county where the requester resides or where the body, agency or
30 official maintains an office to which the request was made. Current law requires the
31 agency or official to file an answer within 14 calendar days. This bill clarifies that the
32 body, agency or official must file an answer within 14 calendar days of service of the
33 appeal. This bill provides that the court does not have to convene a trial, but must
34 conduct a de novo review and take testimony and other evidence it determines necessary,
35 and if it determines that the denial was not for just and proper cause, the court is required
36 to enter an order for disclosure.

SMC
ROFS

1

L.D. 1821

2

Date: 4/4/14

(Filing No. H-811)

3

JUDICIARY

4

Reproduced and distributed under the direction of the Clerk of the House.

5

STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

126TH LEGISLATURE

8

SECOND REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 1311, L.D. 1821, Bill, "An Act To Implement Recommendations of the Right To Know Advisory Committee"

10

11

Amend the bill in Part A in section 3 in the first paragraph in the 5th line (page 1, line 31 in L.D.) by striking out the following: "15" and inserting the following: '15 30'

12

13

Amend the bill in Part D in section 1 in §408-A by striking out all of subsection 4 (page 6, lines 12 to 18 in L.D.) and inserting the following:

14

15

'4. Refusals; denials. If a body or an agency or official having custody or control of any public record refuses permission to inspect or copy or abstract a public record, the body or agency or official shall provide written notice of the denial, stating the reason for the denial, within 5 working days of the receipt of the request for inspection or copying. Failure to comply with this subsection is considered failure to allow inspection or copying and is subject to appeal as provided in section 409.'

16

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21

Amend the bill in Part D in section 2 by striking out all of subsection 1 (page 8, lines 1 to 13 in L.D.) and inserting the following:

22

23

'1. Records. Any person aggrieved by a refusal or denial to inspect or copy a record or the failure to allow the inspection or copying of a record under section 408-A may appeal the refusal, denial or failure within 30 calendar days of the receipt of the written notice of refusal, denial or failure to any the Superior Court within the State as a trial de novo for the county in which the person resides or in which the body, agency or official maintains an office to which the person made the request. The body, agency or official shall file an answer within 14 calendar days of service of the appeal. If a court, after a trial de novo review and taking testimony and other evidence it determines necessary, determines such refusal, denial or failure was not for just and proper cause, the court shall enter an order for disclosure. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.'

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COMMITTEE AMENDMENT

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SUMMARY

This amendment provides that the reports of the State Board of Arbitration and Conciliation in a labor dispute must be released 30 days after its receipt by the Governor and the Executive Director of the Maine Labor Relations Board if the conciliation process is not successful.

This amendment deletes changes proposed in the bill to identify when access to a record is denied and when an appeal of that denial may be made.

26



STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

Paul R. LePage
GOVERNOR

22 April 2014

The 126th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1821, "An Act To Implement Recommendations of the Right To Know Advisory Committee."

I am committed to a transparent government that allows the citizens of Maine to easily access information pertinent to their lives. Indeed, my Administration has taken significant steps to increase the average citizen's access to information. We launched a new financial transparency website to provide Maine citizens with access to basic, easy-to-understand information regarding state finances and government spending. We have responded to thousands of Freedom to Access Act (FOAA) requests, producing millions of documents. I pushed state government to be more customer friendly – ensuring that everyday requests for information from citizens are responded to daily without the formality of a FOAA request.

This bill would make minor changes to the FOAA recommended by the Right to Know Advisory Committee. The purpose of the Advisory Committee is to "serve as a resource for ensuring compliance ... and upholding the integrity of the purposes underlying [this law] as it applies to all public entities in the conduct of the public's business." Unfortunately, these recommendations just nibble around the edges of the law without addressing real flaws in it. The recommendations do not address the use of FOAA by special interest groups to harass the Executive Branch. They do not address practical concerns that make compliance virtually impossible for many Executive Branch agencies. They do not address real inequities in the application of the law to different branches of government as contained in the Advisory Committee's mandate to advise on applying the law to "all" public entities.

The FOAA law, meant to allow access to government, is instead being used as a weapon to hinder effective and efficient state government. My office has received many overly broad requests from special interests groups. They request years of all communications between my office and certain commissioners, my personal grocery bills and other fishing expeditions that are not about a transparent government. Instead, they are about trying to cripple the operations of my office with thousands of hours of staff time and creating a distraction from conducting the people's business.



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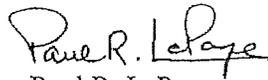
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The Maine State Police testified that they cannot comply with portions of the law dealing with timing of when a document is received for purposes of the law. If the top law enforcement agency in the State cannot comply with the law, that is a serious problem that must be addressed. Yet the Advisory Committee and the Judiciary Committee both declined to make a reasonable fix to the law.

Most troubling, the FOAA law is inequitable. The Legislature has given itself a "working papers" exception, yet refuses to extend the same courtesy to the Executive Branch. We should either give the Executive Branch a similar exception or strip the Legislature of theirs. Either way, this inequity should not stand. Until it is righted, the Legislature cannot claim its own operations are transparent.

Until these major problems with the law are fixed, I cannot support this legislation. For these reasons, I return LD 1821 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,


Paul R. LePage
Governor

4A-3

1 MRSA §410-A is enacted to read:

§410-A. Government remedy; just and proper cause

1. Petition for determination. A body, agency or official who has custody or control of a public record may petition the Superior Court for a determination that a request by a person to inspect or copy the public record may be denied with just and proper cause. Petitions may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

2. Order. After a trial de novo, the court shall either dismiss the petition or enter an order appropriately limiting or denying the request to inspect or copy the public record.

3. Just and proper cause. For the purposes of this section, in determining whether a request to inspect or copy a public record may be denied with “just and proper cause” a court shall include consideration of the identity of the requesting person and the historical frequency, scope and manner of the requesting person’s requests for inspection or copying of records under section 408-A, and whether the probative value of the information to the public outweighs any substantial burden on the body, agency or official.

SUMMARY

This bill creates an option for a public body, agency or official to seek relief from overly-burdensome requests under the Freedom of Access Act by filing an action in Superior Court seeking a determination whether the request may be denied. The court must determine if the request to inspect or copy a record may be denied for just and proper cause. In making the determination, the court must consider the identity of the requesting person and the historical frequency, scope and manner of the requesting person’s requests for inspection or copying, and whether the probative value of the information to the public outweighs any substantial burden on the government body, agency or official. After a trial de novo the court may issue an order limiting or denying the request to inspect or copy the public record, or may dismiss the petition.

SENATE

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JOHN L. TUTTLE, JR., District 3
DAVID C. BURNS, District 29

MARGARET J. REINSCH, Legislative Analyst
SUSAN M. PINETTE, Committee Clerk



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State of Maine
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON JUDICIARY

April 2, 2014

Jonathan T. Nass, Esq.
Senior Policy Advisory
Governor Paul R. LePage
1 State House Station
Augusta, Maine 04333-0001

Re: LD 1818, An Act To Facilitate Public Records Requests to State Agencies

Dear Mr. Nass:

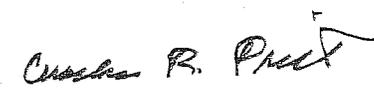
Thank you for engaging in the discussion about the Freedom of Access Act and some of the difficulties that often arise when governments are committed to transparency. We join the Governor in recognizing the importance in ensuring that citizens of Maine can easily access information pertinent to their lives and well-being. We agree that government transparency is essential in maintaining confidence in every level of government as well as the democratic process.

We accept your commitment to the administrative implementation of the recommendations for action in LD 1818 that we agree will help members of the public more easily access records, as well as increase their faith in the efficacy of government. We have confidence in Brenda Kielty's ability to work with OIT and others to develop and implement the tracking system that should help identify bottlenecks, as well as what the State is doing successfully in sharing information. We are very appreciative of your commitment to implement the tracking and reporting system using existing budgeted resources.

We look forward to continued cooperation in improving the transparency of Maine's state government. Thank you for coming forward and getting the process started.

Sincerely,


Linda M. Valentino
Senate Chair


Charles R. Priest
House Chair



STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

Paul R. LePage
GOVERNOR

March 27, 2014

The Honorable Linda Valentino
The Honorable Charles R. Priest
Chairs, Joint Standing Committee on the Judiciary
C/O Legislative Information
100 State House Station
Augusta, ME, 04333

RE: LD 1818, *An Act to Facilitate Public Records Requests to State Agencies*

Dear Senator Valentino and Representative Priest:

Thank you for the opportunity to address the Judiciary Committee on LD 1818, *An Act to Facilitate Public Records Requests to State Agencies*. I am writing to memorialize that discussion.

Governor LePage is committed to a transparent government that allows the citizens of Maine to easily access information pertinent to their lives and well-being and that maintains confidence in state government and the democratic process. Therefore, the LePage Administration commits to administratively implement the provisions of LD 1818. These provisions include the actions that follow:

- The public access officer for each state agency that maintains a website will place his or her contact information or a link to his or her contact information on the home page of the agency's publically accessible website;
- The Department of Administrative and Financial Services will develop a standardized link to the Freedom of Access Act pages and develop a keyword match for "FOAA" in state agency website; and
- The Department of Administrative and Financial Services will work with the Public Access Ombudsman to develop and implement a system of consistent tracking and reporting of requests made pursuant to the Freedom of Access Act.

As we also discussed, I hope the Committee will make a similar request of the Legislative Council and the Legislature's own information technology office. If that office requires assistance in that effort, please have them contact my office, and I will facilitate assistance from the Office of Information Technology.

Thank you again for the opportunity to address the Judiciary Committee on this important topic.

Sincerely,

Jonathan T. Nass, Esq.
Senior Policy Advisor
Governor Paul R. LePage



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3

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 1 MRSA §413, sub-§5** is enacted to read:

3 **5. Website.** The public access officer for each state agency that maintains a website
4 shall cause the name, physical address, e-mail address and telephone number for the
5 public access officer or a link to a page containing the public access officer's contact
6 information to be posted on the home page of that agency's publicly accessible website.

7 **Sec. 2. State agencies; website link to dedicated page.** The Department of
8 Administrative and Financial Services, Office of Information Technology, in consultation
9 with state agencies, shall develop a standardized website link to a dedicated Freedom of
10 Access Act page within each agency's publicly accessible website with instructions and
11 information for persons requesting public records.

12 **Sec. 3. State agencies; keyword match for "FOAA."** State agencies shall use
13 executive branch information technology resources to create a keyword match for
14 "FOAA" in their websites.

15 **Sec. 4. Freedom of Access Act portal and request tracking.** The Public
16 Access Ombudsman and the Department of Administrative and Financial Services, Office
17 of Information Technology shall work with InforME to develop and implement a system
18 of consistent tracking and reporting of Freedom of Access Act request information
19 pursuant to Public Law 2013, chapter 229, section 3. The tracking and reporting system
20 must be implemented by all state agencies by January 1, 2015.

21 **SUMMARY**

22 This bill implements recommendations of the Public Access Ombudsman pursuant to
23 Public Law 2013, chapter 229, section 3 related to the feasibility of developing a
24 centralized system for coordinating the receipt of and response to requests to state
25 agencies for public records in accordance with the Freedom of Access Act.

26 The bill requires state agencies' public access officers to include their contact
27 information on their agency websites. It also requires the Department of Administrative
28 and Financial Services, Office of Information Technology, in consultation with state
29 agencies, to develop a standardized link to Freedom of Access Act pages and requires
30 state agencies to use executive branch resources to create a keyword match for "FOAA"
31 in their websites.

32 The bill requires the Public Access Ombudsman and the Office of Information
33 Technology to work with InforME to develop and implement a system of consistent
34 tracking and reporting of public records requests under the Freedom of Access Act.

4B



126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1818

S.P. 728

In Senate, March 12, 2014

An Act To Facilitate Public Records Requests to State Agencies

Reported by Senator VALENTINO of York for the Joint Standing Committee on Judiciary pursuant to Public Law 2013, chapter 229, section 3.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in dark ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

FOA Reviews ~ Judiciary Committee ~ 126th Legislature, Second Regular Session
Final

LD	COMMITTEE	SUBJECT	MEMO DATE	REVIEW DATE	REPORT DATE	RESULT	STATUTE	RESULT
1627	TAX	Business Equipment Tax Exemption – proprietary information submitted to municipality	03/05/14	03/12/14	3/19/14	Approved without change	36 MRSA §706, 5th ¶	PL 2013, c. 544
1665	ACF	Wood processor report information	02/25/14	02/26/14	03/05/14	Recommended change	12 MRSA §8884, sub-§3	PL 2013, c. 513
1687	MAR	Proprietary information submitted to Department of Marine Resources	03/11/14	03/19/14	03/25/14	Approved without change	12 MRSA §6173-B, sub-§1	PL 2013, c. 512
1689	MAR	Seafood processing information – proprietary information	03/11/14	03/19/14	03/25/14	Approved without change	1 MRSA §402, sub-§3, ¶T	PL 2013, c. 518
1690	VLA	Confidential records received by the Commission on Governmental Ethics and Election Practices	None	02/25/14	02/27/14	Approved without change	21-A MRSA §1003, sub-§3-A	PL 2013, c. 470
1707	TAX	Amend the Tax Laws – criminal history record of applicant	03/12/14	03/07/14	03/19/14	Recommended change	36 MRSA §194-B	PL 2013, c. 546
1724	LCRED	Licensing for Real Estate Appraisers with Federal Law – criminal history record of applicant	03/20/14	03/25/14	03/26/14	Recommended change	32 MRSA §14021, sub-§7	PL 2013, c. 547

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4C

FOAA INFORMATION

[Return to FOAA pages on
Maine.gov](#)[Begin your search](#)

Maine State Legislature

Exceptions to Maine's Freedom of Access laws

This page allows you to search a list of statutory exceptions to the state's Freedom of Access laws. The list contains statutes that either designate records and information as confidential or specifically except records and information from the definition of "public records". Inclusion in or exclusion of items from this list does not affect the purposes for which the information was collected or for which it may be used or maintained. This list is continually under review and will be updated as possible.

This list is maintained by the Maine Legislative Council on behalf of the Maine Right to Know Advisory Committee.

How to Search

You can begin your search by clicking on the "Begin your search" button shown below. To show the entire list of exceptions, select "All" from the drop down list in the "category" field and click "Submit query". If you do not wish to see the entire list, you can either choose specific categories from the drop-down list, search for exceptions that fall within specific titles or sections, or search using using key-words. Each record that displays as a result of your search is hyperlinked to the text of the appropriate section of the Maine Revised Statutes, as maintained by the Legislature.

[Begin Your Search](#)

Disclaimer

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FOAA INFORMATION

- [Return to FOAA pages on Maine.gov](#)
- [Begin your search](#)

Use the fields below to search the list of statutory exceptions to the definition of "public record" under Maine's Freedom of Access Law.

Category:

Title:

Section:

Key Word:

1	Agriculture	The following statutes designate as confidential certain records containing information collected, used or maintained for agriculture purposes:
2	Commercial Regulation	The following statutes designate as confidential certain records containing information collected, used or maintained for commercial regulation purposes:
3	Compensation programs	The following statutes designate as confidential certain records containing information collected, used or maintained for compensation programs and purposes:
4	Economic and Community development	The following statutes designate as confidential certain records containing information collected, used or maintained for economic and community development purposes:
5	Education	The following statutes designate as confidential certain records containing information collected, used or maintained for education purposes:
6	Election Law	The following statutes designate as confidential certain records containing information collected, used or maintained for election law purposes:
7	Environmental regulations	The following statutes designate as confidential certain records containing information collected, used or maintained for environmental regulations purposes:
8	Families and children	The following statutes designate as confidential certain records containing information collected, used or maintained for families and children purposes:
9	Financial Services	The following statutes designate as confidential certain records containing information collected, used or maintained for financial services purposes:
10A	Health - patients, clients, individuals	The following statutes designate as confidential certain records containing information collected, used or maintained for health purposes - records relating to patients, clients or other identifiable individuals:
10B	Health - facilities, manufacturers or other entities	The following statutes designate as confidential certain records containing information collected, used or maintained for health purposes - records relating to facilities, manufacturers or other entities:
10C	Health - Maine Health Security Act or other review	The following statutes designate as confidential certain records containing information collected, used or maintained for health purposes - records relating to the Maine Health Security Act or other health care review:
11A	Insurance regulation - insurers	The following statutes designate as confidential certain records containing information collected, used or maintained for insurance regulation purposes - records pertaining primarily to insurers:
11B	Insurance regulation - insureds	The following statutes designate as confidential certain records containing information collected, used or maintained for insurance regulation purposes - records pertaining primarily to insureds:
12A	Investigations - internal	The following statutes designate as confidential certain records containing information collected, used or maintained for investigations purposes - records relating to internal departmental or agency investigations:
12B	Investigations - all other	The following statutes designate as confidential certain records containing information collected, used or maintained for investigations purposes - records relating to investigations other than those set out in 12A:
13	Judicial proceedings	The following statutes designate as confidential certain records containing information collected, used or maintained for judicial proceedings purposes:
14	Juvenile justice or criminal investigation and history	The following statutes designate as confidential certain records containing information collected, used or maintained for juvenile justice or criminal investigation and history purposes:
15	Labor	The following statutes designate as confidential certain records containing information collected, used or maintained for labor purposes:

Database categories

16	Maine Human Rights Act	The following statutes designate as confidential certain records containing information collected, used or maintained for Maine Human Rights Act purposes:
17A	Marine resources and aquaculture - marine resources	The following statutes designate as confidential certain records containing information collected, used or maintained for marine resources and aquaculture purposes - records relating to marine resources:
17B	Marine resources and aquaculture - aquaculture	The following statutes designate as confidential certain records containing information collected, used or maintained for marine resources and aquaculture purposes - records relating to aquaculture:
18	Market assistance and regulation	The following statutes designate as confidential certain records containing information collected, used or maintained for market assistance and regulation purposes:
19	Medical facilities	The following statutes designate as confidential certain records containing information collected, used or maintained for medical facilities purposes:
20	Motor vehicles and operators	The following statutes designate as confidential certain records containing information collected, used or maintained for motor vehicles and operators purposes:
21A	Occupational credentialing - initial, continuing and renewed	The following statutes designate as confidential certain records containing information collected, used or maintained for occupational credentialing purposes - initial, continuing and renewed credentialing:
21B	Occupational credentialing - quality, complaints, investigations	The following statutes designate as confidential certain records containing information collected, used or maintained for occupational credentialing purposes - quality, complaints, investigations:
21C	Occupational credentialing - other	The following statutes designate as confidential certain records containing information collected, used or maintained for occupational credentialing purposes - other purposes:
22	Other licensing	The following statutes designate as confidential certain records containing information collected, used or maintained for other licensing purposes:
23	Public employment	The following statutes designate as confidential certain records containing information collected, used or maintained for public employment purposes:
24	Public services	The following statutes designate as confidential certain records containing information collected, used or maintained for public services purposes:
25	Social services	The following statutes designate as confidential certain records containing information collected, used or maintained for social services purposes:
26	Taxation	The following statutes designate as confidential certain records containing information collected, used or maintained for taxation purposes:
27	Utilities	The following statutes designate as confidential certain records containing information collected, used or maintained for utilities purposes:
28	Other purposes	The following statutes designate as confidential certain records containing information collected, used or maintained for purposes not listed elsewhere in this section:
29	Social security numbers	The following statutes designate social security numbers as confidential information:
30	Domestic violence and safety	The following statutes designate certain information as confidential based on domestic violence or other safety purposes:

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Public Records Exceptions Database for online search function

TITLE	§	Sub-§	DESCRIPTION	CATEGORY
1	402	3	Title 1, section 402, subsection 3, paragraph H, relating to medical records and reports of municipal ambulance and rescue units and other emergency medical service units	10B
1	402	3	Title 1, section 402, subsection 3, paragraph M, relating to architecture, design, access authentication, encryption and security of information technology infrastructure and systems	12B
1	402	3	Title 1, section 402, subsection 3, paragraph B, relating to records within scope of privilege against discovery or use as evidence	13
1	402	3	Title 1, section 402, subsection 3, paragraph H, relating to medical records and reports of municipal ambulance and rescue units and other emergency medical service units	13
1	402	3-A	Title 1, section 402, subsection 3-A, relating to criminal justice agency records of the identity, conviction data or current address or location of prisoner, adult probationer or parolee	14
1	402	3	Title 1, section 402, subsection 3, paragraph I, relating to juvenile records and reports of municipal fire departments regarding juvenile fire setters	14
1	402	3	Title 1, section 402, subsection 3, paragraph M, relating to architecture, design, access authentication, encryption and security of information technology infrastructure and systems	14
1	402	3	Title 1, section 402, subsection 3, paragraph D, relating to collective bargaining materials developed or held by a public employer	15
1	402	3	Title 1, section 402, subsection 3, paragraph T, relating to fisheries, aquaculture and seafood processing and depuration plant research	17A
1	402	3	Title 1, section 402, subsection 3, paragraph T, relating to fisheries, aquaculture and seafood processing and depuration plant research	17B
1	402	3	Title 1, section 402, subsection 3, paragraph H, relating to medical records and reports of municipal ambulance and rescue units and other emergency medical service units	19
1	402	3	Title 1, section 402, subsection 3, paragraph R, relating to Social Security numbers in possession of the Secretary of State	20
1	402	3	Title 1, section 402, subsection 3, paragraph O, relating to personal contact information concerning public employees other than elected officials	23
1	402	3	Title 1, section 402, subsection 3, paragraph K, relating to personally identifying information concerning minors for municipal nonmandatory education or recreation purposes	24
1	402	3	Title 1, section 402, subsection 3, paragraph Q, relating to security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events for Department of Corrections or county jail	25
1	402	3	Title 1, section 402, subsection 3, paragraph L, relating to records describing security plans, security procedures or risk assessments prepared to prevent or prepare for acts of terrorism	28

Public Records Exceptions Database for online search function

TITLE	§	Sub-§	DESCRIPTION	CATEGORY
1	402	3	Title 1, section 402, subsection 3, paragraph J, relating to working papers of advisory group established by Legislature or Governor	28
1	402	3	Title 1, section 402, subsection 3, paragraph M, relating to architecture, design, access authentication, encryption and security of information technology infrastructure and systems	28
1	402	3	Title 1, section 402, subsection 3, paragraph C, relating legislative working papers	28
1	402	3	Title 1, section 402, subsection 3, paragraph A, relating records designated confidential by statute	28
1	402	3	Title 1, section 402, subsection 3, paragraph P, relating to geographic information regarding recreational trails on private land	28
1	402	3	Title 1, section 402, subsection 3, paragraph E, relating to records of committees of Maine Maritime Academy, Maine Community College System and University of Maine System	28
1	402	3	Title 1, section 402, subsection 3, paragraph F, relating to records of association of political subdivisions	28
1	402	3	Title 1, section 402, subsection 3, paragraph G, relating to records of an association of political subdivisions concerning legislation or insurance	28
1	402	3	Title 1, section 402, subsection 3, paragraph N, relating to Social Security numbers in possession of the Department of Inland Fisheries and Wildlife	29
1	402	3	Title 1, section 402, subsection 3, paragraph R, relating to Social Security numbers in possession of the Secretary of State	29
1	402	3	Title 1, section 402, subsection 3, paragraph E, relating to records of committees of Maine Maritime Academy, Maine Community College System and University of Maine System	5
1	402	3	Title 1, section 402, subsection 3, paragraph K, relating to personally identifying information concerning minors for municipal nonmandatory education or recreation purposes	5
1	538	3	Title 1, section 538, subsection 3, relating to InformE subscriber information	24
1	1013	4	Title 1, section 1013, subsection 4, relating to Commission on Governmental Ethics and Election Practices records other than complaints	12B
1	1013	3-A	Title 1, section 1013, subsection 3-A, relating to complaint alleging a violation of legislative ethics	12B
1	1013	2	Title 1, section 1013, subsection 2, relating to the identity of a requestor of Commission on Governmental Ethics and Election Practices opinions	12B
3	156		Title 3, section 156, relating to prehearing conference materials for legislative confirmations of gubernatorial appointments	21A
3	159		Title 3, section 159, relating to prehearing conference materials for legislative confirmations of gubernatorial appointments	21A
3	997	1, 3, 4-6	Title 3, section 997, subsections 1, 3, 4, 5 and 6, relating to the Office of Program Evaluation and Government Accountability activities and working papers	12A

Public Records Exceptions Database for online search function

TITLE	§	Sub-§	DESCRIPTION	CATEGORY
3	997	1, 3, 4-6	Title 3, section 997, subsections 1, 3, 4, 5 and 6, relating to the Office of Program Evaluation and Government Accountability activities and working papers	12B
4	17	3	Title 4, section 17, subsection 3, relating to State Court Administrator complaints and investigative files that relate to court and judicial security	12A
4	1701	7	Title 4, section 1701, subsection 7, relating to the Judicial Compensation Commission concerning working papers in the possession of a legislative employee	28
5	90-B	7	Title 5, section 90-B, subsection 7, relating to the Address Confidentiality Program	20
5	90-B	7	Title 5, section 90-B, subsection 7, relating to the Address Confidentiality Program	22
5	90-B	7	Title 5, section 90-B, subsection 7, relating to the Address Confidentiality Program	30
5	95	11	Title 5, section 95, subsection 11, relating to state archives patrons	24
5	200-H		Title 5, section 200-H, relating to the Office of the Attorney General, Maine Elder Death Analysis Review Team	14
5	211	4	Title 5, section 211, subsection 4, relating Unfair Trade Practices information in Attorney General investigation	12B
5	211	4	Title 5, section 211, subsection 4, relating Unfair Trade Practices information in Attorney General investigation	2
5	244-C	2, 3	Title 5, section 244-C, subsections 2 and 3, relating to the Department of Audit activities and working papers	12A
5	244-E	2	Title 5, section 244-E, subsection 2, relating to complaint alleging fraud, waste, inefficiency or abuse through hotline or other referral service established by the State Auditor	12A
5	244-E	1	Title 5, section 244-E, subsection 1, relating to identity of person making complaint alleging fraud, waste, inefficiency or abuse through hotline or other referral service established by the State Auditor	12A
5	791		Title 5, section 791, relating to the code of fair practices and affirmative action concerning confidential business information	28
5	957	5	Title 5, section 957, subsection 5, relating to State Employee Assistance Program client records	10A
5	957	5	Title 5, section 957, subsection 5, relating to State Employee Assistance Program client records	23
5	1541	10-B	Title 5, section 1541, subsection 10-B, relating to internal audit working papers of the State Controller	12A
5	1545		Title 5, section 1545, relating to outstanding unpaid checks issued by the State	12B
5	1743	5	Title 5, section 1743, subsection 5, relating to public improvements construction contracts concerning evaluations of proposals	28
5	1747	3	Title 5, section 1747, subsection 3, relating to public improvement contracts concerning prebid qualifications	28
5	1976	1	Title 5, section 1976, subsection 1, relating to the State Government computer system	28
5	3305-B	1	Title 5, section 3305-B, subsection 1, relating to the Executive Department, State Planning Office concerning energy policy	28
5	3360-D	4	Title 5, section 3360-D, subsection 4, relating to the Victims' Compensation Fund concerning applications and awards	3
5	4572	2	Title 5, section 4572, subsection 2, relating to medical information or history of an applicant in an employment discrimination complaint	16

Public Records Exceptions Database for online search function

TITLE	§	Sub-§	DESCRIPTION	CATEGORY
5	4573	2	Title 5, section 4573, subsection 2, relating to records of mental or physical disability	16
5	4612	5	Title 5, section 4612, subsection 5, relating to 3rd-party records	16
5	7070	2	Title 5, section 7070, subsection 2, relating to state employees personal and complaint and disciplinary information	12A
5	7070	2, 4	Title 5, section 7070, subsections 2 and 4, relating to state employees' personal information	23
5	7070	1	Title 5, section 7070, subsection 1, relating to state employee applicants	23
5	13119-A		Title 5, section 13119-A, relating to economic and community development activities of the Department of Economic and Community Development and municipalities	4
5	13120-M	2	Title 5, section 13120-M, subsection 2, relating to Maine Rural Development Authority activities	4
5	15302-A	2	Title 5, section 15302-A, subsection 2, relating to Maine Technology Institute activities	4
5	15322	3	Title 5, section 15322, subsection 3, paragraph B relating to technology centers records concerning applications and proposals	18
5	15322	3	Title 5, section 15322, subsection 3, paragraph B relating to technology centers records concerning applications and proposals	4
5	17057	5	Title 5, section 17057, subsection 3, relating to Maine Public Employees Retirement System employees personal and complaint and disciplinary information	12A
5	17057	5	Title 5, section 17057, subsection 3, relating to Maine Public Employees Retirement System employees personal and complaint and disciplinary information	23
5	17057	2	Title 5, section 17057, subsection 2, relating to Maine Public Employees Retirement System participant designated beneficiary of amount of insurance coverage or group life insurance	23
5	17057	1	Title 5, section 17057, subsection 1, relating to Maine Public Employees Retirement System information	23
5	17057	3	Title 5, section 17057, subsection 3, relating to home contact information of Maine Public Employees Retirement System members, benefit recipients and staff	24
5	17057	4	Title 5, section 17057, subsection 3, relating to Maine Public Employees Retirement System private market investment activity	28
5	19203		Title 5, section 19203, relating to confidentiality of HIV test results	10A
5	19203-D	1, 2	Title 5, section 19203-D, subsections 1 and 2, relating to disclosure of medical records containing information regarding HIV status of a person	10A
5	19507		Title 5, section 19507, relating to information, materials and records of the protection and advocacy agency for persons with disabilities	10A
5	19507		Title 5, section 19507, relating to information, materials and records of the protection and advocacy agency for persons with disabilities	25

Public Records Exceptions Database for online search function

TITLE	§	Sub-§	DESCRIPTION	CATEGORY
5	20047	1	Title 5, section 20047, subsection 1, relating to Department of Health and Human Services, Office of Substance Abuse records concerning patients	10A
7	20	1	Title 7, section 20, subsection 1, relating to information reported to the Department of Agriculture, Food and Rural Resources	1
7	20	1	Title 7, section 20, subsection 1, relating to information reported to the Department of Agriculture, Food and Rural Resources	18
7	306-A	3	Title 7, section 306-A, subsection 3, relating to agricultural development grant program, market research or development activities	1
7	306-A	3	Title 7, section 306-A, subsection 3, relating to agricultural development grant program, market research or development activities	18
7	607	5-A	Title 7, section 607, subsection 5-A, relating to pesticide formula, test results and other information	1
7	607	5-A	Title 7, section 607, subsection 5-A, relating to pesticide formula, test results and other information	7
7	951-A		Title 7, section 951-A, relating to minimum standards for planting potatoes	1
7	951-A		Title 7, section 951-A, relating to minimum standards for planting potatoes	18
7	1052	2-A	Title 7, section 1052, subsection 2-A, relating to total potential acreage of genetically modified crops reported by individual manufacturers	1
7	1052	2	Title 7, section 1052, subsection 2, relating to growers of genetically engineered plants and seeds	1
7	1052	2	Title 7, section 1052, subsection 2, relating to growers of genetically engineered plants and seeds	18
7	1052	2-A	Title 7, section 1052, subsection 2-A, relating to total potential acreage of genetically modified crops reported by individual manufacturers	18
7	2103-A	4	Title 7, section 2103-A, subsection 4, relating to patented and nonreleased potato varieties	1
7	2103-A	4	Title 7, section 2103-A, subsection 4, relating to patented and nonreleased potato varieties	18
7	2226	1	Title 7, section 2226, subsection 1, relating to ginseng license applications, licensees and locations of ginseng plantings	1
7	2226	1	Title 7, section 2226, subsection 1, relating to ginseng license applications, licensees and locations of ginseng plantings	21A
7	2992-A	1	Title 7, section 2992-A, subsection 1, paragraph C, relating to records of the Maine Dairy Promotion Board	18
7	2998-B	1	Title 7, section 2998-B, subsection 1, paragraph C, relating to the records of the Maine Dairy and Nutrition Council	18
7	3909	6	Title 7, section 3909, subsection 6, relating to personally identifying information of persons who report cruelty to animals to the Department of Agriculture, Conservation and Forestry	14
7	4204	10	Title 7, section 4204, subsection 10, relating to nutrient management plans	1
7	4204	10	Title 7, section 4204, subsection 10, relating to nutrient management plans	1
7	4204	10	Title 7, section 4204, subsection 10, relating to nutrient management plans	7

Public Records Exceptions Database for online search function

TITLE	§	Sub-§	DESCRIPTION	CATEGORY
7	4205	2	Title 7, section 4205, subsection 2, relating to livestock operation permits and nutrient management plans	1
7	4205	2	Title 7, section 4205, subsection 2, relating to livestock operation permits and nutrient management plans	7
8	270-A		Title 8, section 270-A, relating to records and information included in application or materials required for issuance of commercial track license	22
8	300-B	10	Title 8, section 300-B, subsection 10, relating to records of child support obligors provided to collect child support from pari-mutuel winnings	29
8	300-B	10	Title 8, section 300-B, subsection 10, relating to records of child support obligors provided to collect child support from pari-mutuel winnings	8
8	416-A	9	Title 8, section 416-A, subsection 9, relating to the Tri-State Lotto concerning personal records in connection with payment of prize	28
8	416-A	9	Title 8, section 416-A, subsection 9, relating to records concerning payment of Tri-state Lotto prizes	29
8	1006	1	Title 8, section 1006, subsection 1, paragraph E, relating to information or records required by the Gambling Control Board for licensure: creditworthiness, credit rating or financial condition of person or project	22
8	1006	1	Title 8, section 1006, subsection 1, paragraph F, relating to information or records required by the Gambling Control Board for licensure: information from other jurisdictions conditioned on remaining confidential	22
8	1006	1	Title 8, section 1006, subsection 1, paragraph G, relating to information or records required by the Gambling Control Board for licensure: information designated confidential under federal law	22
8	1006	4	Title 8, section 1006, subsection 4, relating to financial, statistical and surveillance information from the central site monitoring system held by the Gambling Control Board and the Dept. of Public Safety	22
8	1006	3	Title 8, section 1006, subsection 3, relating to records and information developed as part of suitability requirement to select operator of central site monitoring system, held by Gambling Control Board and Dept. of Public Safety	22
8	1006	1	Title 8, section 1006, subsection 1, paragraph C, relating to information or records required by the Gambling Control Board for licensure: key executive or gaming employee compensation	22
8	1006	1	Title 8, section 1006, subsection 1, paragraph D, relating to information or records required by the Gambling Control Board for licensure: financial, statistical and surveillance information related to the applicant	22
8	1006	1	Title 8, section 1006, subsection 1, paragraph B, relating to information or records required by the Gambling Control Board for licensure: would be unwarranted invasion of privacy of key executive, gaming employee or another person	22
8	1006	1	Title 8, section 1006, subsection 1, paragraph H, relating to information or records required by the Gambling Control Board for licensure: specific personal information, including Social Security number, of any individual	22
8	1006	1	Title 8, section 1006, subsection 1, paragraph A, relating to information or records required by the Gambling Control Board for licensure: trade secrets and proprietary information	22
8	1006	1	Title 8, section 1006, subsection 1, paragraph H, relating to information or records required by the Gambling Control Board for licensure: specific personal information, including Social Security number, of any individual	29

Public Records Exceptions Database for online search function

TITLE	§	Sub-§	DESCRIPTION	CATEGORY
8	1007	2	Title 8, section 1007, subsection 2, relating to information or records received by the Gambling Control Board or Department of Public Safety from another agency pursuant to agreement	22
8	1052	3	Title 8, section 1052, subsection 3, relating to all complaints and investigative records of the Gambling Control Board during the pendency of an investigation	12B
8	1052		Title 8, section 1052, relating to reports, information or records compiled by the Gambling Control Board and Dept. of Public Safety concerning noncompliance with or violation of the chapter by an applicant, licensee, owner or key executive	22
8	1052	3	Title 8, section 1052, subsection 3, relating to all complaints and investigative records of the Gambling Control Board during the pendency of an investigation	22
9-A	2-304	2	Title 9-A, section 2-304, subsection 2, relating to reports of supervised lenders	9
9-A	6-105-A		Title 9-A, section 6-105-A, last paragraph, relating to information concerning uniform multistate licensing system provided to Consumer Credit Protection by other jurisdictions	9
9-A	6-116		Title 9-A, section 6-116, relating to the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection	9
9-A	6-117		Title 9-A, section 6-117, relating to confidential information shared by agencies from other jurisdictions regulating consumer credit	9
9-B	226	1	Title 9-B, section 226, subsection 1, relating to information derived by or communicated to the Bureau of Financial Institutions	9
9-B	252	3-A	Title 9-B, section 252, subsection 3-A, relating to confidential information shared by agencies from other jurisdictions that regulate financial institutions	9
10	391	2, 3	Title 10, section 391, subsections 2 and 3, relating to the Small Enterprise Growth Program	4
10	945-J		Title 10, section 945-J, relating to the Maine International Trade Center concerning applications and proposals	18
10	945-J		Title 10, section 945-J, relating to the Maine International Trade Center concerning applications and proposals	4
10	975-A	2	Title 10, section 975-A, subsections 2 and 3, relating to the Finance Authority of Maine concerning applications and proposals	18
10	975-A	2	Title 10, section 975-A, subsections 2 and 3, relating to the Finance Authority of Maine concerning applications and proposals	4
10	1079	4	Title 10, section 1079, subsection 4, relating to persons who have family development accounts (FAME)	4
10	1107		Title 10, section 1107, relating to books, records or correspondence summonsed in an antitrust investigation, at the discretion of the person being investigated	12B
10	1109	4	Title 10, section 1109, subsection 4, relating to information reported to the Attorney General concerning acquisition of gasoline and heating oil assets	12B
10	1109	4	Title 10, section 1109, subsection 4, relating to information reported to the Attorney General concerning acquisition of gasoline and heating oil assets	2

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
10	1188-A		Title 10, section 1188-A, relating to settlement conference discussions under the Maine Motor Vehicle Franchise Board	2
10	1495-G	3	Title 10, section 1495-G, subsection 3, relating to payroll processing bonding	2
10	1675		Title 10, section 1675, relating to information received by the Attorney General under the Petroleum Market Share Act	12B
10	1675		Title 10, section 1675, relating to information received by the Attorney General under the Petroleum Market Share Act	18
10	1675		Title 10, section 1675, relating to information received by the Attorney General under the Petroleum Market Share Act	2
10	1677		Title 10, section 1677, relating to the name of retailers or retail outlets in Attorney General report concerning retail outlet concentration under Petroleum Market Share Act	18
10	8002	10	Title 10, section 8002, subsection 10, relating to information provided to the Commissioner of Professional and Financial Regulation	2
10	8002	10	Title 10, section 8002, subsection 10, relating to information provided to the Commissioner of Professional and Financial Regulation	21A
10	8003	2-A	Title 10, section 8003, subsection 2-A, relating to information shared with the Office of Licensing and Registration from other regulatory agencies on condition it remain confidential	21A
10	8003	2-A	Title 10, section 8003, subsection 2-A, relating to information shared with the Office of Licensing and Registration from other regulatory agencies on condition it remain confidential	21B
10	8003-B	1, 2-A	Title 10, section 8003-B, subsections 1 and 2-A, relating to complaints and investigations and client records of boards and commissions within or associated with the Department of Professional and Financial Regulation	12A
10	8003-B	1, 2-A	Title 10, section 8003-B, subsections 1 and 2-A, relating to complaints and investigations and client records of boards and commissions within or associated with the Department of Professional and Financial Regulation	21B
10	9012	1	Title 10, section 9012, subsection 1, relating to information provided to the Department of Professional and Financial Regulation, Manufactured Housing Board	2
10	9012	1	Title 10, section 9012, subsection 1, relating to information provided to the Department of Professional and Financial Regulation, Manufactured Housing Board	21C
10	9202	1-B	Title 10, section 9202, subsection 1-B, relating to records of the Northern Maine Transmission Corporation (same as Title 10, section 975-A)	27
12	544-B	4	Title 12, section 544-B, subsection 4, relating to the location of a species or natural area	7
12	549-B	5	Title 12, section 549-B, subsection 5, relating to investigatory and exploratory work reported under a mining permit	7

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
12	550-B	6	Title 12, section 550-B, subsection 6, relating to water well information collected by the Department of Agriculture, Conservation and Forestry, Bureau of Geology, Natural Areas and Coastal Resources, Geological Survey	7
12	1827	3	Title 12, section 1827, subsection 3, relating to Department of Conservation records concerning camper reservations at state parks	24
12	6072	10	Title 12, section 6072, subsection 10, relating to aquaculture lease seeding and harvesting reports	17B
12	6072	10	Title 12, section 6072, subsection 10, relating to aquaculture lease seeding and harvesting reports	18
12	6072-A	17-A	Title 12, section 6072-A, subsection 17-A, relating to aquaculture leasing research and development	17B
12	6072-A	17-A	Title 12, section 6072-A, subsection 17-A, relating to aquaculture leasing research and development	18
12	6077	4	Title 12, section 6077, subsection 4, relating to the aquaculture monitoring program	17B
12	6077	4	Title 12, section 6077, subsection 4, relating to the aquaculture monitoring program	18
12	6078-A	1	Title 12, section 6078-A, subsection 1, relating to the Aquaculture Monitoring, Research and Development Fund concerning harvest information from leaseholders	17B
12	6078-A	1	Title 12, section 6078-A, subsection 1, relating to the Aquaculture Monitoring, Research and Development Fund concerning harvest information from leaseholders	18
12	6078-A	1	Title 12, section 6078-A, subsection 1, relating to the Aquaculture Monitoring, Research and Development Fund concerning harvest information from leaseholders	4
12	6082		Title 12, section 6082, relating to information obtain from other jurisdiction that is designated confidential by that jurisdiction and must remain confidential	17B
12	6082		Title 12, section 6082, relating to information obtain from other jurisdiction that is designated confidential by that jurisdiction and must remain confidential	18
12	6173	1	Title 12, section 6173, subsection 1, relating to marine resources statistics	17A
12	6173	1	Title 12, section 6173, subsection 1, relating to marine resources statistics	7
12	6173-A	1	Title 12, section 6173-A, subsection 1, relating to information designated as proprietary information submitted under the Maine Working Waterfront Access Pilot Project	17A
12	6173-A	1	Title 12, section 6173-A, subsection 1, relating to information designated as proprietary information submitted under the Maine Working Waterfront Access Pilot Project	4
12	6173-B	1	Title 12, section 6173-A, subsection 1, relating to information designated as proprietary information for research, aquaculture, education, surveillance and inspection, shellfish sanitation and depuration	17A
12	6173-B	1	Title 12, section 6173-A, subsection 1, relating to information designated as proprietary information for research, aquaculture, education, surveillance and inspection, shellfish sanitation and depuration	17B
12	6310	3	Title 12, section 6310, subsection 3, relating to medical information pertaining to lobster and crab fishing license denials	21A

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
12	6455	1-B	Title 12, section 6455, subsection 1-B, relating to market studies and promotional plans of the Lobster Promotion Council	17A
12	6455	1-B	Title 12, section 6455, subsection 1-B, relating to market studies and promotional plans of the Lobster Promotion Council	18
12	6749-S	1	Title 12, section 6749-S, subsection 1, relating to log book for sea urchin buyers and processors	17-A
12	8005	1	Title 12, section 8005, subsection 1, relating to Social Security numbers, addresses, telephone numbers, electronic mail addresses of forest landowners owning less than 1,000 acres	18
12	8005	2	Title 12, section 8005, subsection 2, relating to Social Security numbers, forest management plans and supporting documents of activities for administering landowner assistance programs	18
12	8005	4	Title 12, section 8005, subsection 4, relating to forest management information designated confidential by agency furnishing the information	18
12	8005	1	Title 12, section 8005, subsection 1, relating to Social Security numbers, addresses, telephone numbers, electronic mail addresses of forest landowners owning less than 1,000 acres	29
12	8005	2	Title 12, section 8005, subsection 2, relating to Social Security numbers, forest management plans and supporting documents of activities for administering landowner assistance programs	29
12	8005	4	Title 12, section 8005, subsection 4, relating to forest management information designated confidential by agency furnishing the information	7
12	8005	1	Title 12, section 8005, subsection 1, relating to Social Security numbers, addresses, telephone numbers, electronic mail addresses of forest landowners owning less than 1,000 acres	7
12	8424	2	Title 12, section 8424, subsection 2, relating to cutting plans under the Maine Spruce Budworm Management Act	18
12	8424	2	Title 12, section 8424, subsection 2, relating to cutting plans under the Maine Spruce Budworm Management Act	7
12	8611	1	Title 12, section 8611, subsection 1, relating to addresses, telephone numbers, electronic mail addresses of forest landowners owning less than 1,000 acres	18
12	8611	1	Title 12, section 8611, subsection 1, relating to addresses, telephone numbers, electronic mail addresses of forest landowners owning less than 1,000 acres	24
12	8611	1	Title 12, section 8611, subsection 1, relating to addresses, telephone numbers, electronic mail addresses of forest landowners owning less than 1,000 acres	7
12	8869	13	Title 12, section 8869, subsection 13, relating to forest policy experimental areas	18
12	8883-B	8	Title 12, section 8883-B, subsection 8, relating to addresses, telephone numbers, electronic mail addresses of forest landowners owning less than 1,000 acres	18
12	8883-B	8	Title 12, section 8883-B, subsection 8, relating to addresses, telephone numbers, electronic mail addresses of forest landowners owning less than 1,000 acres	7

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
12	8884	3	Title 12, section 8884, subsection 3, relating to landowner and wood processor reporting requirements concerning information about volume, species, product types, county of origin and personally identifying information of forest product suppliers	18
12	12551-A	10	Title 12, section 12551-A, subsection 10, relating to smelt dealers reports, including name, location, gear and catch	22
12	12551-A	10	Title 12, section 12551-A, subsection 10, relating to smelt dealers reports, including name, location, gear and catch	28
12	12907	8	Title 12, section 12907, subsection 8, relating to whitewater outfitters and affiliated outfitter records	21A
12	12954	4	Title 12, section 12954, subsection 4, relating to records of purchasers and sellers maintained by hide dealers	14
13	1957	8	Title 13, section 1957, subsection 8, relating to the members of associations of agricultural producers and purchasing information	1
13	1957	8	Title 13, section 1957, subsection 8, relating to the members of associations of agricultural producers and purchasing information	18
14	164-A	3	Title 14, section 164-A, subsection 3, relating to identity or treatment of participants in the Maine Assistance Program for Lawyers	10A
14	1254-A	1	Title 14, section 1254-A, subsection 1, relating to juror questionnaire recipients and names drawn	13
14	1254-A	8	Title 14, section 1254-A, subsection 8, relating to names of jury pool during the period of service of jurors and prospective jurors	13
14	1254-A	7	Title 14, section 1254-A, subsection 7, relating to names of prospective jurors and contents of juror qualification forms	13
14	1254-B	2	Title 14, section 1254-B, subsection 2, relating to juror selection records and information	13
15	101-C	3	Title 15, section 101-C, subsection 3, relating to records necessary to conduct an evaluation concerning mental responsibility for criminal conduct	14
15	393	4-A	Title 15, section 393, subsection 4-A, paragraph G, relating to information concerning application to possess firearm by person who was involuntarily committed	10A
15	393	4-A	Title 15, section 393, subsection 4-A, paragraph G, relating to information concerning application to possess firearm by person who was involuntarily committed	14
15	3009	2	Title 15, section 3009, subsection 2, relating to the reintegration of a juvenile into school	14
15	3009	2	Title 15, section 3009, subsection 2, relating to the reintegration of a juvenile into school	5
15	3301	6-A	Title 15, section 3301, subsection 6-A, relating to information about a juvenile against whom a juvenile petition has not been filed	14
15	3308	7	Title 15, section 3308, subsection 7, relating to juvenile proceedings	13
15	3308	7	Title 15, section 3308, subsection 7, relating to juvenile proceedings	14
15	3308	7	Title 15, section 3308, subsection 7, relating to juvenile proceedings	5

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
16	613		Title 16, section 613, relating to dissemination of nonconviction data (Criminal History Record Information Act)	14
16	703	2	Title 16, section 703, subsection 2, relating to confidential criminal history record information (Criminal History Record Information Act)	13
16	703	2	Title 16, section 703, subsection 2, relating to confidential criminal history record information (Criminal History Record Information Act)	14
16	804		Title 16, section 804, relating to reports or records that contain intelligence and investigative information (Intelligence and Investigative Record Information Act)	13
16	804		Title 16, section 804, relating to reports or records that contain intelligence and investigative information (Intelligence and Investigative Record Information Act)	14
17-A	1176	5	Title 17-A, section 1176, subsection 5, relating to request by crime victim for notice of release of defendant	14
17-A	1176	1	Title 17-A, section 1176, subsection 1, relating to information that pertains to current address or location of crime victims	14
17-A	1176	5	Title 17-A, section 1176, subsection 5, relating to request by crime victim for notice of release of defendant	30
17-A	1176	1	Title 17-A, section 1176, subsection 1, relating to information that pertains to current address or location of crime victims	30
18-A	2-901		Title 18-A, section 2-901, relating to wills deposited with the Probate Court	13
18-A	9-304	(a-1)	Title 18-A, section 9-304, subsection (a-1), relating to background checks for adoptions ordered by the Probate Court	13
18-A	9-304	(a-2)	Title 18-A, section 9-304, subsection (a-2), relating to background checks initiated by the Department of Health and Human Services	13
18-A	9-304	(a-1)	Title 18-A, section 9-304, subsection (a-1), relating to background checks for adoptions ordered by the Probate Court	8
18-A	9-304	(a-2)	Title 18-A, section 9-304, subsection (a-2), relating to background checks initiated by the Department of Health and Human Services	8
18-A	9-308	(c)	Title 18-A, section 9-308, subsection (c), relating to final adoption decrees	13
18-A	9-308	(c)	Title 18-A, section 9-308, subsection (c), relating to final adoption decrees	8
18-A	9-310		Title 18-A, section 9-310, relating to adoption records concerning adoptions decreed on or after August 8, 1953	13
18-A	9-310		Title 18-A, section 9-310, relating to adoption records concerning adoptions decreed on or after August 8, 1953	8
19-A	651	2	Title 19-A, section 651, subsection 2, relating to social security numbers on marriage applications	29
19-A	651	2	Title 19-A, section 651, subsection 2, relating to social security numbers on marriage applications	8
19-A	908		Title 19-A, section 908, relating to social security numbers on divorce records	29
19-A	908		Title 19-A, section 908, relating to social security numbers on divorce records	8
19-A	1565	4	Title 19-A, section 1565, subsection 4, relating to Social Security numbers in paternity actions	29
19-A	1565	4	Title 19-A, section 1565, subsection 4, relating to Social Security numbers in paternity actions	8

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
19-A	1653	6	Title 19-A, section 1653, subsection 6, relating to addresses of children and victims in cases concerning parental rights and responsibilities involving domestic abuse	30
19-A	1653	6	Title 19-A, section 1653, subsection 6, relating to addresses of children and victims in cases concerning parental rights and responsibilities involving domestic abuse	8
19-A	1753	5	Title 19-A, section 1753, subsection 5, relating to identifying information under the Uniform Child Custody Jurisdiction and Enforcement Act if health, safety or liberty jeopardized	30
19-A	1753	5	Title 19-A, section 1753, subsection 5, relating to identifying information under the Uniform Child Custody Jurisdiction and Enforcement Act if health, safety or liberty jeopardized	8
19-A	2006	10	Title 19-A, section 2006, subsection 10, relating to social security numbers in child support actions	29
19-A	2006	10	Title 19-A, section 2006, subsection 10, relating to social security numbers in child support actions	8
19-A	2152	11	Title 19-A, section 2152, subsection 11, relating to information collected in child support enforcement and medical support recoupment	29
19-A	2152	11	Title 19-A, section 2152, subsection 11, relating to information collected in child support enforcement and medical support recoupment	8
19-A	2158	6	Title 19-A, section 2158, subsection 6, relating to records of child support obligors provided to wireless service provider	29
19-A	2158	6	Title 19-A, section 2158, subsection 6, relating to records of child support obligors provided to wireless service provider	8
19-A	3012		Title 19-A, section 3012, relating to specific identifying information in child support enforcement	30
19-A	3012		Title 19-A, section 3012, relating to specific identifying information in child support enforcement	8
19-A	4008		Title 19-A, section 4008, relating to identifying information concerning protection from abuse actions if health, safety or liberty would be jeopardized	30
19-A	4008		Title 19-A, section 4008, relating to identifying information concerning protection from abuse actions if health, safety or liberty would be jeopardized	8
19-A	4013	4	Title 19-A, section 4013, subsection 4, relating to the Domestic Abuse Homicide Review Panel	14
19-A	4013	4	Title 19-A, section 4013, subsection 4, relating to the Domestic Abuse Homicide Review Panel	30
20-A	4008	2	Title 20-A, section 4008, subsection 2, relating to school counselor or social worker activities	25
20-A	4008	2	Title 20-A, section 4008, subsection 2, relating to school counselor or social worker activities	5
20-A	5001-A	3	Title 20-A, section 5001-A, subsection 3, relating to homeschooling records	5
20-A	6001	3	Title 20-A, section 6001, subsection 3, relating to education records of students	5
20-A	6101	2	Title 20-A, section 6101, subsection 2, relating to school records concerning employees and applicants	21A
20-A	6103	3	Title 20-A, section 6103, subsection 3, relating to school records concerning criminal history record checks of employees and applicants	14

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
20-A	6103	3	Title 20-A, section 6103, subsection 3, relating to school records concerning criminal history record checks of employees and applicants	21A
20-A	6205		Title 20-A, section 6205, relating to standards and assessments of student performance	5
20-A	6357	1	Title 20-A, section 6357, subsection 1, relating to student immunization records	10A
20-A	6357	1	Title 20-A, section 6357, subsection 1, relating to student immunization records	5
20-A	7451	2	Title 20-A, section 7451, subsection 2, relating to records of the Baxter Compensation Authority	3
20-A	10206	2	Title 20-A, section 10206, subsection 2, relating to records of the Energy Testing Laboratory of Maine	28
20-A	11418	1, 2	Title 20-A, section 11418, subsections 1 and 2, relating to Maine Educational Loan Authority applicants and recipients	5
20-A	11444	1	Title 20-A, section 11444, subsection 1, relating to the Student Financial Aid Supplemental Loan Program applicants and recipients	5
20-A	11494	1	Title 20-A, section 11494, subsection 1, relating to the Higher Education Loan Purchase Program borrowers	5
20-A	13004	2	Title 20-A, section 13004, subsection 2, relating to certification and registration of teachers	21A
20-A	13004	2-A	Title 20-A, section 13004, subsection 2-A, relating to complaints, charges and accusations concerning certification and registration of educational personnel	21B
20-A	13015	5	Title 20-A, section 13015, subsection 5, relating to teacher action plans	21A
20-A	13034		Title 20-A, section 13034, relating to teacher qualifying exam scores	21A
21-A	1	21	Title 21-A, section 1, subsection 21, relating to portion of incoming voting list relating to Address Confidentiality Program participants	30
21-A	1	21	Title 21-A, section 1, subsection 21, relating to portion of incoming voting list relating to Address Confidentiality Program participants	6
21-A	22	3	Title 21-A, section 22, subsection 3, paragraph A, relating to records pertaining to a voter certified as a participant in the Address Confidentiality Program	30
21-A	22	3	Title 21-A, section 22, subsection 3, paragraph B, relating to residence and mailing address of voter when voter submits statement to registrar stating good reason to believe physical safety jeopardized	30
21-A	22	2	Title 21-A, section 22, subsection 2, relating to ballots	6
21-A	22	5, 6	Title 21-A, section 22, subsections 5 and 6, relating to registered voter applications	6
21-A	22	3	Title 21-A, section 22, subsection 3, paragraph A, relating to records pertaining to a voter certified as a participant in the Address Confidentiality Program	6
21-A	22	3	Title 21-A, section 22, subsection 3, paragraph B, relating to residence and mailing address of voter when voter submits statement to registrar stating good reason to believe physical safety jeopardized	6
21-A	122-A		Title 21-A, section 122-A, relating to voter registration records of voters who are participants in the Address Confidentiality Program	30

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
21-A	122-A		Title 21-A, section 122-A, relating to voter registration records of voters who are participants in the Address Confidentiality Program	6
21-A	172		Title 21-A, section 172, relating to a voter registration file kept by the registrar when the voter is a participant in the Address Confidentiality Program	30
21-A	172		Title 21-A, section 172, relating to a voter registration file kept by the registrar when the voter is a participant in the Address Confidentiality Program	6
21-A	196-A		Title 21-A, section 196-A, relating to information contained electronically in the central voter registration system	6
21-A	624	1	Title 21-A, section 624, subsection 1, relating to that portion of voter list relating to Address Confidentiality Program participants	30
21-A	624	1	Title 21-A, section 624, subsection 1, relating to that portion of voter list relating to Address Confidentiality Program participants	6
21-A	737-A	7	Title 21-A, section 737-A, subsection 7, relating to disputed ballots	6
21-A	753-B	6	Title 21-A, section 753-B, subsection 6, paragraph A, relating to the portion of the absentee voter list relating to voters who are Address Confidentiality Program participants	30
21-A	753-B	6	Title 21-A, section 753-B, subsection 6, paragraph A, relating to the portion of the absentee voter list relating to voters who are Address Confidentiality Program participants	6
21-A	764		Title 21-A, section 764, relating to applications and envelopes for absentee ballots	6
21-A	1003	3-A	Title 21-A, section 1003, subsection 3-A, relating to investigative working papers of the Commission on Governmental Ethics and Election Practices	12B
21-A	1003	3-A	Title 21-A, section 1003, subsection 3-A, relating to investigative working papers of the Commission on Governmental Ethics and Election Practices	14
21-A	1003	3-A	Title 21-A, section 1003, subsection 3-A, relating to investigative working papers of the Commission on Governmental Ethics and Election Practices	6
21-A	1125	2-B	Title 21-A, section 1125, subsection 2-B, relating to records of individuals who made Clean Elections gubernatorial seed money contributions over the Internet	6
21-A	1125	3	Title 21-A, section 1125, subsection 3, relating to records of individuals who made Clean Elections qualifying contributions over the Internet	6
22	17	7	Title 22, section 17, subsection 7, relating to records of child support obligors	29
22	17	7	Title 22, section 17, subsection 7, relating to records of child support obligors	8
22	42	5	Title 22, section 42, subsection 5, relating to Department of Health and Human Services records that contain personally identifying medical information that are created or obtained in connection with public health activities or programs	10A
22	261	7	Title 22, section 261, subsection 7, relating to records created or maintained by the Maternal and Infant Death Review Panel	14

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
22	666	3	Title 22, section 666, subsection 3, relating to the State Nuclear Safety Program concerning the identity of a person providing information about unsafe activities, conduct or operation or license violation	27
22	811	6	Title 22, section 811, subsection 6, relating to hearings regarding testing or admission concerning communicable diseases	10A
22	811	6	Title 22, section 811, subsection 6, relating to hearings regarding testing or admission concerning communicable diseases	13
22	815	1	Title 22, section 815, subsection 1, relating to notifiable diseases or conditions	10A
22	824		Title 22, section 824, relating to persons having or suspected of having notifiable diseases or conditions	10A
22	832	3	Title 22, section 832, subsection 3, relating to hearings for consent to test for the source of exposure for a blood-borne pathogen	10A
22	832	3	Title 22, section 832, subsection 3, relating to hearings for consent to test for the source of exposure for a blood-borne pathogen	13
22	1494		Title 22, section 1494, relating to occupational disease reporting	10A
22	1596		Title 22, section 1596, relating to abortion and miscarriage reporting	10A
22	1597-A	6	Title 22, section 1597-A, subsection 6, relating to a petition for a court order consenting to an abortion for a minor	10A
22	1597-A	6	Title 22, section 1597-A, subsection 6, relating to a petition for a court order consenting to an abortion for a minor	13
22	1711-C		Title 22, section 1711-C, relating to hospital records concerning health care information pertaining to an individual	10A
22	1711-C		Title 22, section 1711-C, relating to hospital records concerning health care information pertaining to an individual	10B
22	1828		Title 22, section 1828, relating to Medicaid and licensing of hospitals, nursing homes and other medical facilities and entities	10A
22	1828		Title 22, section 1828, relating to Medicaid and licensing of hospitals, nursing homes and other medical facilities and entities	10B
22	1828		Title 22, section 1828, relating to Medicaid and licensing of hospitals, nursing homes and other medical facilities and entities	19
22	1828		Title 22, section 1828, relating to Medicaid and licensing of hospitals, nursing homes and other medical facilities and entities	21A
22	1848	1	Title 22, 1848, subsection 1, relating to documents and testimony given to Attorney General under Hospital and Health Care Provider Cooperation Act	10B
22	1848	1	Title 22, 1848, subsection 1, relating to documents and testimony given to Attorney General under Hospital and Health Care Provider Cooperation Act	19
22	2706-A	6	Title 22, section 2706-A, subsection 6, relating to adoption contact files	8

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
22	3022	8, 13, 14	Title 22, section 3022, subsections 8, 13 and 14, relating to medical examiner information	14
22	3034	2	Title 22, section 3034, subsection 2, relating to the Chief Medical Examiner missing persons files	14
22	3188	4	Title 22, section 3188, subsection 4, relating to the Maine Managed Care Insurance Plan Demonstration for uninsured individuals	10A
22	3188	4	Title 22, section 3188, subsection 4, relating to the Maine Managed Care Insurance Plan Demonstration for uninsured individuals	11A
22	3188	4	Title 22, section 3188, subsection 4, relating to the Maine Managed Care Insurance Plan Demonstration for uninsured individuals	25
22	3192	13	Title 22, section 3192, subsection 13, relating to Community Health Access Program medical data	10A
22	3192	13	Title 22, section 3192, subsection 13, relating to Community Health Access Program medical data	10B
22	3474	1	Title 22, section 3474, subsection 1, relating to adult protective records	10A
22	3474	1	Title 22, section 3474, subsection 1, relating to adult protective records	25
22	4008	3-A	Title 22, section 4008, subsection 3-A, relating to the child death and serious injury review panel	14
22	4008	1	Title 22, section 4008, subsection 1, relating to child protective records	14
22	4008	3-A	Title 22, section 4008, subsection 3-A, relating to the child death and serious injury review panel	25
22	4008	1	Title 22, section 4008, subsection 1, relating to child protective records	25
22	4018	4	Title 22, section 4018, subsection 4, relating to information about a person delivering a child to a safe haven	8
22	4019	9	Title 22, section 4019, subsection 9, relating to files, reports, records, communications and working papers used or developed in providing services at child advocacy centers	10A
22	4019	9	Title 22, section 4019, subsection 9, relating to files, reports, records, communications and working papers used or developed in providing services at child advocacy centers	30
22	4019	9	Title 22, section 4019, subsection 9, relating to files, reports, records, communications and working papers used or developed in providing services at child advocacy centers	8
22	4087-A	6	Title 22, section 4087-A, subsection 6, relating to information held by or records or case-specific reports maintained by the Child Welfare Ombudsman	12A
22	4087-A	6	Title 22, section 4087-A, subsection 6, relating to information held by or records or case-specific reports maintained by the Child Welfare Ombudsman	25
22	4306		Title 22, section 4306, relating to general assistance	25
22	5328	1	Title 22, section 5328, subsection 1, relating to community action agencies records about applicants and providers of services	25
22	7250	1	Title 22, section 7250, subsection 1, relating to the Controlled Substances Prescription Monitoring Program	10A
22	7703	2	Title 22, section 7703, subsection 2, relating to facilities for children and adults	10A
22	7703	2	Title 22, section 7703, subsection 2, relating to facilities for children and adults	10B

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
22	7703	2	Title 22, section 7703, subsection 2, relating to facilities for children and adults	19
22	7703	2	Title 22, section 7703, subsection 2, relating to facilities for children and adults	21B
22	8707		Title 22, section 8707, relating to the Maine Health Data Organization	10A
22	8707		Title 22, section 8707, relating to the Maine Health Data Organization	10B
22	8754		Title 22, section 8754, relating to medical sentinel events and reporting	10B
22	8754		Title 22, section 8754, relating to medical sentinel events and reporting	10C
22	8754		Title 22, section 8754, relating to medical sentinel events and reporting	21B
22	8824	2	Title 22, section 8824, subsection 2, relating to the newborn hearing program	10A
22	8943		Title 22, section 8943, relating to the registry for birth defects	10A
23	63		Title 23, section 63, relating to records of the Department of Transportation and the Maine Turnpike Authority	24
23	63		Title 23, section 63, relating to records of the Department of Transportation and the Maine Turnpike Authority	28
23	1980	2-B	Title 23, section 1980, subsection 2-B, relating to recorded images used to enforce tolls on the Maine Turnpike	12B
23	1980	2-B	Title 23, section 1980, subsection 2-B, relating to recorded images used to enforce tolls on the Maine Turnpike	24
23	1982		Title 23, section 1982, relating to patrons of the Maine Turnpike	24
23	4251	10-A	Title 23, section 8115-A, relating to information submitted to the Department of Transportation relating to a public-private partnership proposal for transportation facilities	24
23	8115-A		Title 23, section 8115-A, relating to the Northern New England Passenger Rail Authority	24
24	2307	3	Title 24, section 2307, subsection 3, relating to accountant work papers concerning nonprofit hospital or medical service organizations	11A
24	2510	1	Title 24, section 2510, subsection 1, relating to professional competence reports under the Maine Health Security Act	10C
24	2510	1	Title 24, section 2510, subsection 1, relating to professional competence reports under the Maine Health Security Act	21B
24	2510-A		Title 24, section 2510-A, relating to professional competence review records under the Maine Health Security Act	10C
24	2510-A		Title 24, section 2510-A, relating to professional competence review records under the Maine Health Security Act	21B
24	2604		Title 24, section 2604, relating to liability claims reports under the Maine Health Security Act	10C
24	2604		Title 24, section 2604, relating to liability claims reports under the Maine Health Security Act	11B
24	2604		Title 24, section 2604, relating to liability claims reports under the Maine Health Security Act	21B
24	2853	1-A	Title 24, section 2853, subsection 1-A, relating to action for professional negligence under the Maine Health Security Act	10A
24	2853	1-A	Title 24, section 2853, subsection 1-A, relating to action for professional negligence under the Maine Health Security Act	10C
24	2853	1-A	Title 24, section 2853, subsection 1-A, relating to action for professional negligence under the Maine Health Security Act	11B

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
24	2853	1-A	Title 24, section 2853, subsection 1-A, relating to action for professional negligence under the Maine Health Security Act	21B
24	2857	1, 2	Title 24, section 2857, subsections 1 and 2, relating to mandatory prelitigation screening and mediation panels	10C
24	2857	1, 2	Title 24, section 2857, subsections 1 and 2, relating to mandatory prelitigation screening and mediation panels	11B
24	2857	1, 2	Title 24, section 2857, subsections 1 and 2, relating to mandatory prelitigation screening and mediation panels	13
24	2857	1, 2	Title 24, section 2857, subsections 1 and 2, relating to mandatory prelitigation screening and mediation panels	21B
24-A	216	5	Title 24-A, section 216, subsection 5, relating to documents or information received from NAIC, officials, other jurisdictions or agencies if provided to insurance superintendent with notice that it is confidential	11A
24-A	216	2	Title 24-A, section 216, subsection 2, relating to correspondence and reports of investigation in connection with actual or claimed violations of Title 24-A or prosecution or disciplinary action for those violations	11A
24-A	216	2	Title 24-A, section 216, subsection 2, relating to correspondence and reports of investigation in connection with actual or claimed violations of Title 24-A or prosecution or disciplinary action for those violations	11B
24-A	216	2	Title 24-A, section 216, subsection 2, relating to correspondence and reports of investigation in connection with actual or claimed violations of Title 24-A or prosecution or disciplinary action for those violations	12B
24-A	222	13	Title 24-A, section 222, subsection 13, relating to insurance information filed with the Superintendent of Insurance concerning registration statements, tender offers, requests or invitations for tender offers, options to purchase, agreements	11A
24-A	222	13-A	Title 24-A, section 222, subsection 13-A, relating to holding company information in possession or control of insurance superintendent or NAIC	11A
24-A	225	3	Title 24-A, section 225, subsection 3, relating to insurance examination reports	11A
24-A	226	2	Title 24-A, section 226, subsection 2, relating to insurance examination reports furnished to the Governor, the Attorney General and the Treasurer of State pending final decision	11A
24-A	227		Title 24-A, section 227, relating to information pertaining to individuals in insurance examination reports	11A
24-A	414	5	Title 24-A, section 414, subsection 5, relating to insurance certificate of authority audit work papers	11A
24-A	423-C	4	Title 24-A, section 423-C, subsection 4, relating to insurance reports of material transactions	11A
24-A	796-A		Title 24-A, section 796-A, relating to proprietary business information of special purpose insurance vehicle filed with the Superintendent of Insurance	11A
24-A	962	2	Title 24-A, section 994, subsection 2, relating to protected valuation information related to insurers that use principle-based valuation methods to value reserves	11A
24-A	994	2	Title 24-A, section 994, subsection 2, paragraph A, relating to property and casualty actuarial report, work papers or actuarial opinion summary in possession or control of Bureau of Insurance	11A
24-A	1420-N	6	Title 24-A, section 1420-N, subsection 6, relating to insurers and producers	11A
24-A	1905	1	Title 24-A, section 1905, subsection 1, relating to credit and investigative reports concerning insurance administrator applicants	11A

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
24-A	1911		Title 24-A, section 1911, relating to insurance audits and examinations	11A
24-A	2204	4	Title 24-A, section 2204, subsection 4, relating to insurance investigative information	11B
24-A	2304-A	7	Title 24-A, section 2304-A, subsection 7, relating to insurance rate filings	11A
24-A	2323	4	Title 24-A, section 2323, subsection 4, relating to reports of insurers concerning loss and expense experience	11A
24-A	2384-B	8	Title 24-A, section 2384-B, subsection 8, relating to workers' compensation insurance rating concerning claims and self-insurance	11B
24-A	2384-C	7	Title 24-A, section 2384-C, subsection 7, relating to workers' compensation insurance concerning claims and self-insurance	11B
24-A	2393	2	Title 24-A, section 2393, subsection 2, relating to workers' compensation pool self-insurance and surcharges	11A
24-A	2393	2	Title 24-A, section 2393, subsection 2, relating to workers compensation pool self-insurance and surcharges	15
24-A	2412	8	Title 24-A, section 2412, subsection 8, relating to insurance contracts and forms	11A
24-A	2483	6	Title 24-A, section 2483, subsection 6, relating to the Interstate Insurance Product Regulation Commission work papers and individuals privacy and proprietary information of insurers	11A
24-A	4204	2-A	Title 24-A, section 4204, subsection 2-A, relating to quality assurance programs of health maintenance organizations	10C
24-A	4204	2-A	Title 24-A, section 4204, subsection 2-A, relating to quality assurance programs of health maintenance organizations	11B
24-A	4224	2	Title 24-A, section 4224, subsection 2, relating to quality assurance committees of health maintenance organizations	10C
24-A	4224	2	Title 24-A, section 4224, subsection 2, relating to quality assurance committees of health maintenance organizations	11B
24-A	4233	2	Title 24-A, section 4233, subsection 2, relating to health maintenance organizations work papers filed with the Superintendent of Insurance	11A
24-A	4245	1	Title 24-A, section 4245, subsection 1, relating to health maintenance organizations accreditation survey report	11A
24-A	4312	7-A	Title 24-A, section 4312, subsection 7-A, relating to records of the Bureau of Insurance or an independent review organization relating to external review request or external review proceeding	11A
24-A	4312	7-A	Title 24-A, section 4312, subsection 7-A, relating to records of the Bureau of Insurance or an independent review organization relating to external review request or external review proceeding	11B
24-A	4406	3	Title 24-A, section 4406, subsection 3, relating to delinquent insurers	11A
24-A	6708	2	Title 24-A, section 6708, subsection 2, relating to examination of captive insurance companies documents	11A
24-A	6715		Title 24-A, section 6715, relating to captive insurance companies information submitted to the Superintendent of Insurance	11A
24-A	6807	7	Title 24-A, section 6807, subsection 7, paragraph B, relating to viatical settlement licensee examination records	11A
24-A	6807	7	Title 24-A, section 6807, subsection 7, paragraph A, relating to individual identification data of viators	11B

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
24-A	6818	6	Title 24-A, section 6818, subsection 6, relating to fraudulent viatical or life insurance settlements information provided for enforcement	11B
24-A	6907	2	Title 24-A, section 6907, subsection 2, relating to health information obtained by Dirigo Health covered by the federal Health Insurance Portability and Accountability Act of 1996, or c. 24, or T.22 section 1711-C	10A
24-A	6907	3	Title 24-A, section 6907, subsection 3, relating to practitioner-specific quality data collected, used, produced or maintained for measuring the professional performance of a health care practitioner by the Maine Quality Forum	10C
24-A	6907	1	Title 24-A, section 6907, subsection 1, relating to personally identifiable financial information obtained by Dirigo Health	11B
24-A	6907	2	Title 24-A, section 6907, subsection 2, relating to health information obtained by Dirigo Health covered by the federal Health Insurance Portability and Accountability Act of 1996, or c. 24, or T.22 section 1711-C	11B
24-A	6907	3	Title 24-A, section 6907, subsection 3, relating to practitioner-specific quality data collected, used, produced or maintained for measuring the professional performance of a health care practitioner by the Maine Quality Forum	21B
25	1577	1	Title 25, section 1577, subsection 1, relating to the state DNA data base and the state DNA data bank	14
25	2006	2	Title 25, section 2006, subsection 2, relating to concealed handguns permits	22
25	2006	1	Title 25, section 2006, subsection 1, relating to concealed handguns permit applications	22
25	2806	8	Title 25, section 2806, subsection 8, relating to proceedings of the board of trustees of the Maine Criminal Justice Academy concerning complaints of misconduct of law enforcement officers	12A
25	2929	1, 2, 3, 4	Title 25, section 2929, subsections 1, 2, 3 and 4, relating to emergency services communications	10A
25	2929	2	Title 25, section 2929, subsection 2, relating to public safety answering point records	14
25	2929	1, 2, 3, 4	Title 25, section 2929, subsections 1, 2, 3 and 4, relating to emergency services communications	24
25	2929	2	Title 25, section 2929, subsection 2, relating to public safety answering point records	24
25	2957		Title 25, section 2957, relating to Maine Drug Enforcement Agency investigative records	14
26	3		Title 26, section 3, relating to information, reports and records of the Director of Labor Standards within the Department of Labor	15
26	43		Title 26, section 43, relating to the names of persons, firms and corporations providing information to the Department of Labor, Bureau of Labor Standards	15
26	665	1	Title 26, section 665, subsection 1, relating to records submitted to the Director of Labor Standards within the Department of Labor by an employer concerning wages	15
26	685	3	Title 26, section 685, subsection 3, relating to substance abuse testing by an employer	10A
26	685	3	Title 26, section 685, subsection 3, relating to substance abuse testing by an employer	15
26	934		Title 26, section 934, relating to a report of the State Board of Arbitration and Conciliation in labor dispute	15
26	934		Title 26, section 934, relating to a report of the State Board of Arbitration and Conciliation in labor dispute	28

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
26	939		Title 26, section 939, relating to information disclosed by a party to the State Board of Arbitration and Conciliation	15
26	939		Title 26, section 939, relating to information disclosed by a party to the State Board of Arbitration and Conciliation	28
26	1082	7	Title 26, section 1082, subsection 7, relating to employers' unemployment compensation records concerning individual information	15
27	86-B	2	Title 27, section 86-B, subsection 2, relating to personal information contained in any record about the individual that is obtained by the Maine State Museum in the course of a historical research project	28
27	86-B	1	Title 27, section 86-B, subsection 1, relating to museum draft research, publications and exhibit materials, including scientific, archaeological and historic findings	28
27	121		Title 27, section 121, relating to library records concerning identity of patrons and use of books and materials	24
27	377		Title 27, section 377, relating to the location of a site for archeological research	28
28-A	755		Title 28-A, section 755, relating to liquor licensees' business and financial records	2
29-A	152	3	Title 29-A, section 152, subsection 3, relating to the Secretary of State's data processing information files concerning motor vehicles	20
29-A	251	4	Title 29-A, section 251, subsection 4, relating to an email address submitted as part of the application process for a license or registration under Title 29-A	28
29-A	253		Title 29-A, section 253, relating to motor vehicle records concerning certain nongovernmental vehicles	20
29-A	255	1	Title 29-A, section 255, subsection 1, relating to motor vehicle records when a protection order is in effect	20
29-A	255	1	Title 29-A, section 255, subsection 1, relating to motor vehicle records when a protection order is in effect	30
29-A	257		Title 29-A, section 257, relating to the Secretary of State's motor vehicle information technology system	20
29-A	517	4	Title 29-A, section 517, subsection 4, relating to motor vehicle records concerning unmarked law enforcement vehicles	20
29-A	1258	7	Title 29-A, section 1258, subsection 7, relating to the competency of a person to operate a motor vehicle	10A
29-A	1258	7	Title 29-A, section 1258, subsection 7, relating to the competency of a person to operate a motor vehicle	20
29-A	1401	6	Title 29-A, section 1401, subsection 6, relating to driver's license digital images	20
30-A	503	1-A	Title 30-A, section 503, subsection 1-A, relating to county personnel records concerning the use of force	12A
30-A	503	1-A	Title 30-A, section 503, subsection 1-A, relating to county personnel records concerning the use of force	23
30-A	503	1	Title 30-A, section 503, subsection 1, relating to county personnel records concerning the use of force	23
30-A	2702	1-A	Title 30-A, section 2702, subsection 1-A, relating to municipal personnel records concerning the use of force	12A
30-A	2702	1	Title 30-A, section 2702, subsection 1, relating to municipal personnel records	23
30-A	2702	1-A	Title 30-A, section 2702, subsection 1-A, relating to municipal personnel records concerning the use of force	23
30-A	4706	1	Title 30-A, section 4706, subsection 1, relating to municipal housing authorities	28
30-A	5242	13	Title 30-A, section 5242, subsection 13, relating to tax increment financing districts	26

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
30-A	5242	13	Title 30-A, section 5242, subsection 13, relating to tax increment financing districts	4
32	85	3	Title 32, section 85, subsection 3, relating to criminal history record information for an applicant seeking initial licensure by the Emergency Medical Services Board	14
32	85	3	Title 32, section 85, subsection 3, relating to criminal history record information for an applicant seeking initial licensure by the Emergency Medical Services Board	21A
32	91-B	1	Title 32, section 91-B, subsection 1, relating to quality assurance activities of an emergency medical services quality assurance committee	10A
32	91-B	1	Title 32, section 91-B, subsection 1, paragraph B, relating to information about a person receiving emergency medical services as part of an application for credentialing by Emergency Medical Services Board	10A
32	91-B	1	Title 32, section 91-B, subsection 1, paragraph C, relating to information submitted to the trauma incidence registry under section 87-B	10A
32	91-B	1	Title 32, section 91-B, subsection 1, paragraph A, relating to personal contact information and personal health information of applicant for credentialing by Emergency Medical Services Board	10A
32	91-B	1	Title 32, section 91-B, subsection 1, paragraph A, relating to personal contact information and personal health information of applicant for credentialing by Emergency Medical Services Board	21A
32	91-B	1	Title 32, section 91-B, subsection 1, paragraph B, relating to confidential information as part of application for credentialing by Emergency Medical Services Board	21A
32	91-B	1	Title 32, section 91-B, subsection 1, paragraph D, relating to examination questions used for credentialing by Emergency Medical Services Board	21A
32	91-B	1	Title 32, section 91-B, subsection 1, relating to quality assurance activities of an emergency medical services quality assurance committee	21B
32	1092-A	1, 2	Title 32, section 1092-A, subsections 1 and 2, relating to privileged communications of dentists and dental hygienists patients	21C
32	2105-A	3	Title 32, section 2105-A, subsection 3, relating to information provided by a health care facility to the State Board of Nursing that identifies a patient	10A
32	2109		Title 32, section 2109, relating to personal contact and health information of nurse applicants and licensees	10A
32	2109		Title 32, section 2109, relating to personal contact and health information of nurse applicants and licensees	21A
32	2599		Title 32, section 2599, relating to medical staff reviews and hospital reviews - osteopathic physicians	10C
32	2599		Title 32, section 2599, relating to medical staff reviews and hospital reviews - osteopathic physicians	21B
32	2600-A		Title 32, section 2600-A, relating to personal contact and health information of osteopathic physician applicants and licensees	10A
32	2600-A		Title 32, section 2600-A, relating to personal contact and health information of osteopathic physician applicants and licensees	21A
32	3296		Title 32, section 3296, relating to Board of Licensure in Medicine medical review committees	10C

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
32	3296		Title 32, section 3296, relating to Board of Licensure in Medicine medical review committees	21B
32	3300-A		Title 32, section 3300-A, relating to Board of Licensure in Medicine personal contact and health information about applicants and licensees	10A
32	3300-A		Title 32, section 3300-A, relating to Board of Licensure in Medicine personal contact and health information about applicants and licensees	21A
32	6115	1	Title 32, section 6115, subsection 1, relating to financial information provided to the Superintendent of the Bureau of Consumer Credit Protection, Department of Professional and Financial Regulation concerning money transmitters	2
32	7365	3	Title 32, section 7365, subsection 3, relating to polygraph examination for pre-employment screening or law enforcement investigation	14
32	7365	4	Title 32, section 7365, subsection 4, paragraph B, relating to information of a minor to whom a polygraph has been administered	14
32	7365	3	Title 32, section 7365, subsection 3, relating to polygraph examination for pre-employment screening or law enforcement investigation	21A
32	7365	4	Title 32, section 7365, subsection 4, paragraph A, relating to information concerning polygraph applicant or licensee	21A
32	9418		Title 32, section 9418, relating to private security guards	21A
32	11305	3	Title 32, section 11305, subsection 3, relating to administration of the Maine Commodity Code by the Securities Administrator	2
32	13006		Title 32, section 13006, relating to real estate grievance and professional standards committees hearings	12A
32	13006		Title 32, section 13006, relating to the real estate grievance and professional standards committees hearings	21B
32	14021	7	Title 32, section 14021, subsection 7, relating to criminal history records provide to the Board of Real Estate Appraisers to determine eligibility of applicant for licensure	21A
32	16607	2	Title 32, section 16607, subsection 2, relating to records obtained or filed under the Maine Securities Act	2
33	1971	4	Title 33, section 1971, subsection 4, relating to information derived from unclaimed property reports	28
34-A	1212		Title 34-A, section 1212, relating to personal information of Department of Corrections employees and contractors	23
34-A	1216	1	Title 34-A, section 1216, subsection 1, relating to orders of commitment, medical and administrative records, applications and reports pertaining to any person receiving services from Department of Corrections	10A
34-A	1216	6	Title 34-A, section 1216, subsection 6, relating to documents used to screen or assess clients of the Department of Corrections	14
34-A	1216	1	Title 34-A, section 1216, subsection 1, relating to orders of commitment, medical and administrative records, applications and reports pertaining to any person receiving services from Department of Corrections	28
34-A	5210	4	Title 34-A, section 5210, subsection 4, relating to the State Parole Board report to the Governor	14

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
34-A	9877	4	Title 34-A, section 9877, subsection 4, relating to the release by the Interstate Commission for Adult Offender Supervision of records that adversely affect personal privacy rights or proprietary interests	14
34-A	9903	8	Title 34-A, section 9903, subsection 8, relating to the release by the Interstate Commission for Juveniles of records that adversely affect personal privacy rights or proprietary interests	14
34-B	1207	1	Title 34-B, section 1207, subsection 1, relating to orders of commitment and medical and administrative records, applications and reports pertaining to any client of Department of Health and Human Services	10A
34-B	1216	3	Title 34-B, section 1216, subsection 3, relating to the Consumer Advisory Board	10A
34-B	1223	10	Title 34-B, section 1223, subsection 10, relating to information about a person with intellectual disabilities or autism accessed by the Maine Developmental Services Oversight and Advisory Board	10A
34-B	1223	10	Title 34-B, section 1223, subsection 10, relating to information about a person with intellectual disabilities or autism accessed by the Maine Developmental Services Oversight and Advisory Board	12A
34-B	1223	10	Title 34-B, section 1223, subsection 10, relating to information about a person with intellectual disabilities or autism accessed by the Maine Developmental Services Oversight and Advisory Board	25
34-B	1931	6	Title 34-B, section 1931, subsection 6, relating to the records of the Mental Health Homicide, Suicide and Aggravated Assault Review Board	10A
34-B	1931	6	Title 34-B, section 1931, subsection 6, relating to the records of the Mental Health Homicide, Suicide and Aggravated Assault Review Board	10C
34-B	1931	6	Title 34-B, section 1931, subsection 6, relating to the records of the Mental Health Homicide, Suicide and Aggravated Assault Review Board	14
34-B	1931	6	Title 34-B, section 1931, subsection 6, relating to the records of the Mental Health Homicide, Suicide and Aggravated Assault Review Board	25
34-B	3864	12	Title 34-B, section 3864, subsection 12, relating to abstract of involuntary commitment order provided to State Bureau of Identification	10A
34-B	3864	5	Title 34-B, section 3864, subsection 5, relating to mental health involuntary commitment hearings	10A
34-B	3864	12	Title 34-B, section 3864, subsection 12, relating to abstract of involuntary commitment order provided to State Bureau of Identification	13
34-B	3864	5	Title 34-B, section 3864, subsection 5, relating to mental health involuntary commitment hearings	13
34-B	3864	12	Title 34-B, section 3864, subsection 12, relating to abstract of involuntary commitment order provided to State Bureau of Identification	14
34-B	5005-A	5	Title 34-B, section 5005-A, subsection 5, relating to records and accounts concerning request for action by advocacy agency for persons with intellectual disabilities or autism	10A
34-B	5005-A	5	Title 34-B, section 5005-A, subsection 5, relating to records and accounts concerning request for action by advocacy agency for persons with intellectual disabilities or autism	12A

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
34-B	5005-A	5	Title 34-B, section 5005-A, subsection 5, relating to records and accounts concerning request for action by advocacy agency for persons with intellectual disabilities or autism	25
34-B	5005-A	5	Title 34-B, section 5005-A, subsection 5, relating to records and accounts concerning request for action by advocacy agency for persons with intellectual disabilities or autism	25
34-B	5475	3	Title 34-B, section 5475, subsection 3, relating to intellectual disabilities or autism judicial certification hearings	10A
34-B	5475	3	Title 34-B, section 5475, subsection 3, relating to intellectual disabilities or autism judicial certification hearings	13
34-B	5476	6	Title 34-B, section 5476, subsection 6, relating to intellectual disabilities or autism judicial commitment hearings	10A
34-B	5476	6	Title 34-B, section 5476, subsection 6, relating to intellectual disabilities or autism judicial commitment hearings	13
34-B	5605	15	Title 34-B, section 5605, subsection 15, relating to records of persons receiving intellectual disabilities or autism services	10A
34-B	7014	1	Title 34-B, section 7014, subsection 1, relating to court proceedings concerning sterilization	10A
34-B	7014	1	Title 34-B, section 7014, subsection 1, relating to court proceedings concerning sterilization	13
35-A	114	1	Title 35-A, section 114, subsection 1, relating to utility personnel records, not open to the Public Utilities Commission	15
35-A	114	1	Title 35-A, section 114, subsection 1, relating to utility personnel records, not open to the Public Utilities Commission	27
35-A	704	5	Title 35-A, section 704, subsection 5, relating to utility records concerning customer information, Consumer Assistance Division, Public Utilities Commission	27
35-A	1311-A		Title 35-A, section 1311-A, relating to Public Utilities Commission protective orders	27
35-A	1311-B	1, 2, 4	Title 35-A, section 1311-B, subsections 1, 2 and 4, relating to public utility technical operations information	27
35-A	1316-A		Title 35-A, section 1316-A, relating to Public Utilities Commission communications concerning utility violations	27
35-A	8703	5	Title 35-A, section 8703, subsection 5, relating to telecommunications relay service communications	27
35-A	9207	1	Title 35-A, section 9207, subsection 1, relating to information about communications service providers	2
35-A	9207	1	Title 35-A, section 9207, subsection 1, relating to information about communications service providers	27
36	191		Title 36, section 191, relating to tax returns	26
36	194-B	3	Title 36, section 194-B, subsection 3, relating to criminal history record information received by the State Tax Assessor concerning applicant for employment with Maine Revenue Services	21A
36	194-B	3	Title 36, section 194-B, subsection 3, relating to criminal history record information received by the State Tax Assessor concerning applicant for employment with Maine Revenue Services	23
36	575-A	2	Title 36, section 575-A, subsection 2, relating to forest management harvest plans provided to Bureau of Forestry and information collected for compliance assessment for Tree Growth Tax Law	26
36	575-A	2	Title 36, section 575-A, subsection 2, relating to forest management harvest plans provided to Bureau of Forestry and information collected for compliance assessment for Tree Growth Tax Law	7

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TITLE	§	Sub-§	DESCRIPTION	CATEGORY
36	579		Title 36, section 579, relating to the Maine Tree Growth Tax Law concerning forest management plans	26
36	579		Title 36, section 579, relating to the Maine Tree Growth Tax Law concerning forest management plans	7
36	581-G	3	Title 12, section 861, subsection 1, relating to addresses, telephone numbers, electronic mail addresses of forest landowners owning less than 1,000 acres	18
36	653	1	Title 36, section 653, subsection 1, paragraph G, relating to applications and proof of entitlement for veterans property tax exemption	26
36	706		Title 36, section 706, relating to information labeled as proprietary and confidential information supplied by taxpayer concerning Business Equipment Tax Exemption	26
36	841	2	Title 36, section 841, subsection 2, relating to property tax abatement application information and proceedings	26
36	4315	1-A	Title 36, section 4315, subsection 1-A, relating to the transportation of wild blueberries	1
36	4315	1-A	Title 36, section 4315, subsection 1-A, relating to the transportation of wild blueberries	18
36	4316	4	Title 36, section 4316, subsection 4, relating to wild blueberries audits, Department of Agriculture, Conservation and Forestry	1
36	4316	4	Title 36, section 4316, subsection 4, relating to wild blueberries audits, Department of Agriculture, Conservation and Forestry	18
36	6760		Title 36, section 6760, relating to employment tax increment financing	26
37-B	506		Title 37-B, section 506, relating to Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services benefits	25
37-B	708	3	Title 37-B, section 708, subsection 3, relating to documents collected or produced by the Homeland Security Advisory Council	28
37-B	797	7	Title 37-B, section 797, subsection 7, relating to Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency reports of hazardous substance transportation routes	28
38	100-A	1	Title 38, section 100-A, subsection 1, relating to complaints and investigative records concerning vessel pilots	21B
38	345-A	4	Title 38, section 345-A, subsection 4, relating to information submitted to the Department of Environmental Protection and Board of Environmental Protection concerning trade secrets	7
38	414	6	Title 38, section 414, subsection 6, relating to records and reports obtained by the Board of Environmental Protection in license application procedures	7
38	470-D		Title 38, section 470-D, relating to individual water withdrawal reports	7
38	585-B	6	Title 38, section 585-B, subsection 6, paragraph C, relating to mercury reduction plans for air emission source emitting mercury	7
38	585-C	2	Title 38, section 585-C, subsection 2, relating to the hazardous air pollutant emissions inventory	7
38	1310-B	2	Title 38, section 1310-B, subsection 2, relating to hazardous waste information, information on mercury-added products and electronic devices and mercury reduction plans	7

Public Records Exceptions Database for online search function

TITLE	§	Sub-§	DESCRIPTION	CATEGORY
38	1610	6-A	Title 38, section 1610, subsection 6-A, paragraph F, relating to annual sales data on the number and type of computer monitors and televisions sold by the manufacturer in this State over the previous 5 years	7
38	1661-A	4	Title 38, section 1661-A, subsection 4, relating to information submitted to the Department of Environmental Protection concerning mercury-added products	7
38	1776	10	Title 38, section 10, relating to product stewardship plans and reports	7
38	2144	5	Title 38, section 2144, subsection 5, paragraph F, relating to architectural paint stewardship program reports	7
38	2324	3	Title 38, section 2324, subsection 3, relating to information submitted to the Department of Environmental Protection concerning priority toxic chemicals	7
39-A	153	9	Title 39-A, section 153, subsection 9, relating to the Workers Compensation Board audit working papers	12A
39-A	153	5	Title 39-A, section 153, subsection 5, relating to the Workers Compensation Board abuse investigation unit	12B
39-A	153	5	Title 39-A, section 153, subsection 5, relating to the Workers Compensation Board abuse investigation unit	15
39-A	153	9	Title 39-A, section 153, subsection 9, relating to the Workers Compensation Board audit working papers	15
39-A	355-B	11	Title 39-A, section 355-B, subsection 11, relating to records and proceedings of the Workers Compensation Supplemental Benefits Oversight Committee concerning individual claims	11B
39-A	355-B	11	Title 39-A, section 355-B, subsection 11, relating to records and proceedings of the Workers Compensation Supplemental Benefits Oversight Committee concerning individual claims	15
39-A	403	3	Title 39-A, section 403, subsection 15, relating to workers compensation self-insurers proof of solvency and financial ability to pay	11A
39-A	403	15	Title 39-A, section 403, subsection 15, relating to workers compensation self-insurers	15
39-A	403	3	Title 39-A, section 403, subsection 15, relating to workers compensation self-insurers proof of solvency and financial ability to pay	15
39-A	409		Title 39-A, section 409, relating to workers compensation information filed by insurers concerning the assessment for expenses of administering self-insurers workers compensation program	11A
39-A	409		Title 39-A, section 409, relating to workers compensation information filed by insurers concerning the assessment for expenses of administering self-insurers workers compensation program	15
39-A	409		Title 39-A, section 409, relating to workers compensation information filed by insurers concerning the assessment for expenses of administering self-insurers workers compensation program	15



Maine Revised Statutes

Title 1: GENERAL PROVISIONS

Chapter 13: PUBLIC RECORDS AND PROCEEDINGS

§501-A. PUBLICATIONS OF STATE AGENCIES

1. Definitions. As used in this section, the term "publications" includes periodicals; newsletters; bulletins; pamphlets; leaflets; directories; bibliographies; statistical reports; brochures; plan drafts; planning documents; reports; special reports; committee and commission minutes; informational handouts; and rules and compilations of rules, regardless of number of pages, number of copies ordered, physical size, publication medium or intended audience inside or outside the agency.

2. Production and distribution. The publications of all agencies, the University of Maine System and the Maine Maritime Academy may be printed, bound and distributed, subject to Title 5, sections 43 to 46. The State Purchasing Agent may determine the style in which publications may be printed and bound, with the approval of the Governor.

3. Annual or biennial reports. Immediately upon receipt of any annual or biennial report that is not included in the Maine State Government Annual Report provided for in Title 5, sections 43 to 46, the State Purchasing Agent shall deliver at least 55 copies of that annual or biennial report to the State Librarian for exchange and library use. The State Purchasing Agent shall deliver the balance of the number of each such report to the agency that prepared the report.

4. State agency and legislative committee publications. Except as provided in subsection 5, any agency or legislative committee issuing publications, including publications in an electronic format, shall deliver 18 copies of the publications in the published format to the State Librarian. These copies must be furnished at the expense of the issuing agency. Publications not furnished upon request will be reproduced at the expense of the issuing agency. The agency or committee preparing a publication may determine the date on which a publication may be released, except as otherwise provided by law.

5. Electronic publishing. An agency or committee that electronically publishes information to the public is only required to provide the State Librarian with one printed copy of an electronically published publication. An electronically published publication is not required to be provided to the State Librarian if the publication is also published in print or in an electronic format and is provided to the State Librarian in compliance with subsection 4 or the publication is:

A. Designed to provide the public with current information and is subject to frequent additions and deletions, such as current lists of certified professionals, daily updates of weather conditions or fire hazards; or

B. Designed to promote the agency's services or assist citizens in use of the agency's services, such as job advertisements, application forms, advertising brochures, letters and memos.

6. Forwarding of requisitions. The State Purchasing Agent, Central Printing and all other printing operations within State Government shall forward to the State Librarian upon receipt one copy of all requisitions for publications to be printed.

SECTION HISTORY

1975, c. 436, §2 (NEW). 1975, c. 746, §1 (AMD). 1985, c. 584, (AMD). 1985, c. 779, §3 (AMD). 1987, c. 402, §A2 (RPR). 1997, c. 299, §1 (RPR).



STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND FOURTEEN

H.P. 838 - L.D. 1194

Resolve, Directing a Study of Social Media Privacy in School and in the Workplace

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature finds that the fast pace of technological development places increasing pressure on individuals' privacy, especially with regard to social media, e-mail and similar applications; and

Whereas, educational institutions often provide electronic devices, cloud computing services that process and store student data and access to technology to students to further the educational missions of the institutions; and

Whereas, educational institutions' responsibilities include protecting the privacy, safety and well-being of students and educational personnel, including stopping and preventing bullying; and

Whereas, employers often provide electronic devices and access to technology to their employees to further the employers' operations; and

Whereas, state and federal laws, rules, regulations and guidance require employers to monitor their employees' activities that may affect or be related to the employers' responsibilities; and

Whereas, the Legislature finds that an appropriate balance must be found between the needs of educational institutions and employers and the privacy interests of students and employees; and

Whereas, it is necessary that this legislation take effect immediately in order to allow sufficient time for the Joint Standing Committee on Judiciary to conduct its work; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as

immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Study. Resolved: That the Joint Standing Committee on Judiciary of the 126th Legislature, referred to in this resolve as "the committee," shall study the issues involved in social media and personal e-mail privacy with regard to education and employment. The committee shall study:

1. Concerns of employees and applicants for employment about privacy rights associated with social media and personal e-mail accounts;

2. Concerns of employers, both public and private, about social media and personal e-mail accounts of employees and applicants for employment with regard to workplace needs, protection of proprietary information, proposed heightened requirements associated with specific types of employment and compliance with state and federal laws concerning workplace safety and regulation of business-related representations;

3. Concerns of students and prospective students about privacy rights associated with social media, cloud computing services that process and store student data and personal e-mail accounts;

4. Concerns of educational institutions, including public and private schools and postsecondary institutions, about social media, cloud computing services that process and store student data and personal e-mail accounts of students and prospective students with regard to electronic communications devices provided by the institution, compliance with applicable laws and regulatory requirements, including policies and practices addressing bullying and harassment, and in loco parentis responsibilities;

5. Concerns of parents and educators about the processing and storing of student data by online service providers to kindergarten to 12th grade educational institutions in order to build information profiles on students and target online advertisements to students;

6. Laws and experiences in other states concerning social media, cloud computing services that process and store student data and personal e-mail privacy;

7. The application of federal law and regulations concerning social media, cloud computing services that process and store student data and personal e-mail privacy; and

8. How subpoena powers of governmental entities apply to social media, cloud computing services that process and store student data and personal e-mail accounts; and be it further

Sec. 2. Meetings. Resolved: That the committee may meet up to 4 times for the purposes of the study; and be it further

Sec. 3. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the committee for the purposes of the study; and be it further

Sec. 4. Report. Resolved: That, no later than November 5, 2014, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 127th Legislature. The committee shall make recommendations concerning limitations on providing log-in information, requiring inclusion on contacts lists, changing privacy settings and otherwise accessing content of social media, cloud computing services that process and store student data and personal e-mail accounts of employees, applicants for employment, students and prospective students, as well as appropriate remedies for violations of restrictions; and be it further

Sec. 5. Funding. Resolved: That the committee shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

Sec. 6. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Provides an allocation to authorize the expenditure of contributions received to fund the costs of a study by the Joint Standing Committee on Judiciary.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$0	\$3,080
All Other	\$0	\$4,170
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$7,250</u>

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

