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H.P. 235

House of Representatives, February 8, 2021

An Act To Protect Student Privacy

Received by the Clerk of the House on February 4, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREIGHT of Harpswell.
Cosponsored by Senator DAUGHTRY of Cumberland and
Representatives: BRENNAN of Portland, DODGE of Belfast, FECTEAU of Augusta,
McCREA of Fort Fairfield, STEARNS of Guilford, Senators: DESCHAMBAULT of York,
DIAMOND of Cumberland.

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

2 **Sec. 1. 1 MRSA §402, sub-§3, ¶U**, as amended by PL 2019, c. 667, Pt. B, §4, is
3 further amended to read:

4 U. Records provided by a railroad company describing hazardous materials
5 transported by the railroad company in this State, the routes of hazardous materials
6 shipments and the frequency of hazardous materials operations on those routes that are
7 in the possession of a state or local emergency management entity or law enforcement
8 agency, fire department or other first responder, except that records related to a
9 discharge of hazardous materials transported by a railroad company that poses a threat
10 to public health, safety and welfare are subject to public disclosure after that discharge.
11 For the purposes of this paragraph, "hazardous material" has the same meaning as set
12 forth in 49 Code of Federal Regulations, Section 105.5; ~~and~~

13 **Sec. 2. 1 MRSA §402, sub-§3, ¶V**, as enacted by PL 2017, c. 118, §3, is amended
14 to read:

15 V. Participant application materials and other personal information obtained or
16 maintained by a municipality or other public entity in administering a community well-
17 being check program, except that a participant's personal information, including health
18 information, may be made available to first responders only as necessary to implement
19 the program. For the purposes of this paragraph, "community well-being check
20 program" means a voluntary program that involves daily, or regular, contact with a
21 participant and, when contact cannot be established, sends first responders to the
22 participant's residence to check on the participant's well-being;

23 **Sec. 3. 1 MRSA §402, sub-§3, ¶W** is enacted to read:

24 W. Video and audio recordings made by security or surveillance cameras on school
25 grounds as defined in Title 20-A, section 6554, subsection 2, paragraph E; and

26 **Sec. 4. 1 MRSA §402, sub-§3, ¶X** is enacted to read:

27 X. Any live or recorded interactive lessons or classes taught by public school staff for
28 public school students and shared through electronic platforms or recordings in which
29 students can be seen or heard.

30 **SUMMARY**

31 This bill provides that the following are not public records under the Freedom of
32 Access Act:

33 1. Video and audio recordings made by security or surveillance cameras on school
34 grounds or in school-related transportation vehicles; and

35 2. Live or recorded classes taught by public school staff in which students can be seen
36 or heard.