

**Subcommittee of the
RIGHT TO KNOW ADVISORY COMMITTEE
Public Records Exceptions Subcommittee**

Wednesday, November 5, 1 pm

Location: State House, Room 228 (Hybrid Meeting)
Public access also available through the Maine Legislature's livestream:
<https://legislature.maine.gov/Audio/#228>

1. Introductions
2. Discussion of LD 1824
3. Discussion of exceptions and draft changes
4. Discussion of 1 MRSA §402, sub-§3, ¶H
5. Discussion of recommendations for the full RTKAC
6. Adjourn

Public Records Exceptions for Review by RTKAC in 2025
Exceptions in Titles 25-32

Ref. # (previous ref. #)	Title	Description	Responding Agency/ Dept	Agency Proposed Action	Analyst Notes	Subcommittee Action
1	<u>25 MRSA</u> <u>§1577, sub-§1</u>	Title 25, section 1577, subsection 1, relating to the state DNA data base and the state DNA data bank	State Police, Dept of Public Safety	Maine State Police supports the continuation of this exception as written.	correct format for the confidential designation at sub-§1; however, the exceptions language at sub-§2 states that “the following persons or agencies may have access to DNA records.” The drafting manual favors language allowing “disclosure” to certain entities.	
2 (5)	<u>25 MRSA</u> <u>§2806-A,</u> <u>sub-§10</u>	Title 25, section 2806-A, subsection 10, relating to complaints, charges or accusation of misconduct at the Maine Criminal Justice Academy.	Maine Criminal Justice Academy, Department of Public Safety	Maine Criminal Justice Academy supports the continuation of this exception as written.	No changes recommended	
3 (13)	<u>26 MRSA</u> <u>§685, sub-§3</u>	Title 26, section 685, subsection 3, relating to substance abuse testing by an employer	Employers, generally	N/A	exceptions language uses “release” instead of “disclosure”	
4 (28)	<u>27 MRSA</u> <u>§10, sub-§6</u>	Title 27, section 10, subsection 6, relating to personally identifiable information relating to parents and children participating in the Imagination Library of Maine Program	Maine State Library	The State Library does not recommend any changes.	No changes recommended	

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10 (39)	<u>29-A MRSA §253</u>	Title 29-A, section 253, relating to motor vehicle records concerning certain nongovernmental vehicles	Department of the Secretary of State, Bureau of Motor Vehicles	Emailed 10.25	May not conform to drafting manual	
11 (40)	<u>29-A MRSA §255, sub-§1</u>	Title 29-A, section 255, subsection 1, relating to motor vehicle records when a protection order is in effect	Department of the Secretary of State, Bureau of Motor Vehicles	Emailed 10.25	No changes recommended	
12 (41)	<u>29-A MRSA §257</u>	Title 29-A, section 257, relating to the Secretary of State's motor vehicle information technology system REPEALED	Department of the Secretary of State, Bureau of Motor Vehicles	Emailed 10.25	REPEALED	
13 (42)	<u>29-A MRSA §517, sub-§4</u>	Title 29-A, section 517, subsection 4, relating to motor vehicle records concerning unmarked law enforcement vehicles	Department of the Secretary of State, Bureau of Motor Vehicles	Emailed 10.25	No changes recommended	
14 (43)	<u>29-A MRSA §1258, sub-§7</u>	Title 29-A, section 1258, subsection 7, relating to the competency of a person to operate a motor vehicle	Department of the Secretary of State, Bureau of Motor Vehicles	Emailed 10.25	No changes recommended	
15 (44)	<u>29-A MRSA §1301, sub-§6-A</u>	Title 29-A, section 1301, subsection 6-A, relating to the social security number of an applicant for a driver license or nondriver identification card	Department of the Secretary of State, Bureau of Motor Vehicles	Emailed 10.25	Does not conform to drafting manual; SOS "may not disseminate" records	

Public Records Exceptions for Review by RTKAC in 2025 Exceptions in Titles 25-32

22 (52)	<u>30-A MRSA</u> <u>§503, sub-§1-</u> <u>A</u>	Title 30-A, section 503, subsection 1-A, relating to county personnel records concerning the use of force	Maine County Commissioners Association	Emailed 10.8	No changes recommended	
23 (60)	<u>32 MRSA</u> <u>§85, sub-§3</u>	Title 32, section 85, subsection 3, relating to criminal history record information for an applicant seeking initial licensure by the Emergency Medical Services Board	Department of Public Safety	Maine EMS supports the continuation of this exception as written.	No changes recommended	
24 (61)	<u>32 MRSA</u> <u>§91-B, sub-§1</u>	Title 32, section 91-B, subsection 1, relating to quality assurance activities of an emergency medical services quality assurance committee	Department of Public Safety	Maine EMS supports the continuation of this exception as written.	No changes recommended	
25 (62)	<u>32 MRSA</u> <u>§91-B, sub-</u> <u>§1, ¶A</u>	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	Department of Public Safety	Maine EMS supports the continuation of this exception as written.	No changes recommended	
26 (63)	<u>32 MRSA</u> <u>§91-B, sub-</u> <u>§1, ¶B</u>	Title 32, section 91-B, subsection 1, paragraph B, relating to confidential information as part of application for credentialing by Emergency Medical Services Board	Department of Public Safety	Maine EMS supports the continuation of this exception as written.	No changes recommended	
27 (64)	<u>32 MRSA</u> <u>§91-B, sub-</u> <u>§1, ¶D</u>	Title 32, section 91-B, subsection 1, paragraph D, relating to examination	Department of Public Safety		No changes recommended	

**Public Records Exceptions for Review by RTKAC in 2025
Exceptions in Titles 25-32**

		osteopathic physician applicants and licensees		in this exception. Most healthcare professionals licensed by BOL have a personal and professional email. Many use their personal email address for communications from BOL and their professional address for communications with patients. This change was made to the identical section of the BOLIM statute in LD 1828.		
34 (74)	<u>32 MRSA</u> <u>§2600-E</u>	Title 32, section 2600-E, relating to the board's ability to redact applicant or licensee records for potential risks to personal safety	Board of Osteopathic Licensure	Emailed 10.29	This is not framed as a public records exception, but the redaction does effectively result in a portion of an otherwise public record being withheld. Also note that subsection 1 does not conform to drafting manual – uses “not public” v. confidential.	
35 (80)	<u>32 MRSA</u> <u>§6080</u>	Title 32, section 6080, relating to information held by Bureau of Consumer Credit Protection about applicant or licensee related to investigation under Maine	Bureau of Consumer Credit Protection	the Bureau of Consumer Credit Protection (BCCP) does not recommend changes to this public records exception.	Does not conform to drafting manual: “are confidential and are not subject to disclosure under Title 1, chapter 13.”	

STATUTE: 27 MRSA, §10

AGENCY: Maine State Library

CONTACT PERSON: Lori Stockman, lori.stockman@maine.gov

RETURN BY: 9/20/2024

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 25 through 32 by the end of 2026; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

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

We received one request in March 2025 for the two reports we submitted to the Maine legislature since this law was enacted. We provided the two reports to the individual and clarified that we were not required to submit a report in 2022 due to different legislation in place at the time (the legislation revision occurred in 2023).

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

We support the continuation of this exception.

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

There have been no problems with the applications of this exception.

4. Does your agency recommend changes to this exception? *No.*
5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Current DPIL affiliates

Belfast Free Library:

Community: Waldo County

Contact: Jane Beers

Phone: 2073383884

Email: jbeers@belfastlibrary.org

Mailing Address:

106 HIGH ST

BELFAST ME 04915

Biddeford Ready! :

Community: Biddeford

Contact: Hannah Brier

Phone: 2073472320

Email: hbrier@uwsme.org

Mailing Address:

550 FOREST AVE STE 100

PORTLAND ME 04101

Camden Public Library:

Community: Knox County

Contact: Amy Hand

Phone: 2072363440

Email: Alhand@librarycamden.org

Mailing Address:

55 MAIN ST

CAMDEN ME 04843

Cave Hill School:

Community: Cave Hill School

Contact: Brenda Jordan

Phone: 207-565-3638

Email: bjordan@rsu24.org

Mailing Address:

1205 EASTBROOK RD

EASTBROOK ME 04634

Friend Memorial Library:

Community: Brooklin

Contact: Jen Rosenthal

Phone: 2073592276

Email: jrosenthal@friendml.org

Mailing Address:

PO BOX 57

BROOKLIN ME 04616

Friends of Porter 569:

Community: Oxford County

Contact: Margaret Lowry

Phone: 2072005032

Email: sacopeedpil@icloud.com

Mailing Address:

PO BOX 307

PARSONSFIELD ME 04047

Literacy Volunteers of Kennebec:

Community: Kennebec County

Contact: Virginia Marriner

Phone: 2076263440

Email: imaginationlibrary@lva-augusta.org

Mailing Address:

12 SPRUCE ST STE 4

AUGUSTA ME 04330

Literacy Volunteers of Washington County:

Community: Washington County

Contact: Eileen Campbell

Phone: 207 263 7008

Email: lvwcme@yahoo.com

Mailing Address:

94 KING ST

DENNYSVILLE ME 04628

Maine Community Foundation:

Community: Brooksville

Contact: Darene Powell

Phone: 207-326-0749

Email: deepowell@me.com

Mailing Address:

93 BREEZEMERE ROAD

BROOKSVILLE ME 04617

Millinocket Memorial Library:

Community: Penobscot County

Contact: Nicole

Phone: 2077237020

Email: programs@millinocketlib.org

Mailing Address:

5 MAINE AVE

MILLINOCKET ME 04462

My First Bookshelf:

Community: Penobscot County

Contact: Jonathan Ireland

Right to Know Advisory Committee
13 State House Station Augusta, Maine 04333
Telephone: (207) 287-1670

Phone: 9372323705
Email: irelandjb@myfirstbookshelf.com
Mailing Address:
310 MT HOPE CHURCH RD
STAFFORD VA 22554

Sargentville Thursday Club:
Community: Sargentville and Sedgwick
Contact: Carol Graves
Phone: 2062914827
Email: csgrhg@msn.com
Mailing Address:
716 REACH RD
SARGENTVILLE ME 04673

Seacoast Community School:
Community: Seacoast Community
Contact: Alicia Tonelli
Phone: 6034228223
Email: atonelli@seacoastcommunityschool.org
Mailing Address:
100 CAMPUS DR STE 20
PORTSMOUTH NH 03801

Swans Island Educational Society:
Community: Swans Island
Contact: Chelsea Riedel
Phone: 2074793664
Email: c.s.riedel@outlook.com
Mailing Address:
35 STAPLES RIDGE RD
SWANS ISLAND ME 04685

United Way of Aroostook:
Community: Aroostook Area
Contact: Sarah Duncan
Phone: 207-764-5197
Email: sarah@unitedwayaroostook.org
Mailing Address:
379 MAIN ST
PRESQUE ISLE ME 04769

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

STATUTE: 32 MRSA §2571-A, sub-§1, paragraph F

AGENCY: Board of Osteopathic Licensure

CONTACT PERSON: Rachel MacArthur (rachel.macarthur@maine.gov)

RETURN BY: September 20, 2024

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 25 through 32 by the end of 2026; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

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

BOL currently receives approximately 25 criminal background checks related to the Interstate Medical Licensure Compact each year. In accordance with its policy required by the Federal Bureau of Investigations, BOL views this information on a secure site and does not download or print any data. The information is recorded in BOL's database as a notation of passed or failed, with no additional explanation. To date this exception has not been cited in denying a FOAA request.

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

BOL supports continuation of this exception. Criminal background check information is protected by federal and state statutes. Failure to have this exception would cause BOL to lose its ability to access this information and impact BOL's ability to participate and/or remain in the Interstate Medical Licensure Compact as well as expose it to potential litigation for enforcement by the Compact.

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

BOL believes the language is clear and sufficient.

4. Does your agency recommend changes to this exception?

BOL does not recommend any changes to this exception.

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

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

STATUTE: 32 MRSA §2599

AGENCY: Board of Osteopathic Licensure

CONTACT PERSON: Rachel MacArthur (rachel.macarthur@maine.gov)

RETURN BY: September 20, 2024

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 25 through 32 by the end of 2026; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

QUESTIONS

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

BOL does not administer this public records exception but is impacted by its application. Because it does not administer the exception it has not cited the exception in denying a request for production of covered records which would also be confidential under 24 M.R.S. § 2510. The information covered by the exception is important for the Board's obligation of protecting the health and safety of Maine citizens. BOL infrequently obtains records made confidential by this exception.

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

BOL supports the continuation for the exception. Failure to continue this exception will result in legal challenges to BOL's ability to obtain the information. Institutions who provide the already confidential information will not release it if it loses confidentiality upon receipt by BOL.

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

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

BOL has not encountered any difficulties under the exception.

4. Does your agency recommend changes to this exception?

BOL does not recommend any changes to the exception.

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

Maine Osteopathic Association – Amanda Mahan amahan@mainedo.org

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

#95

Section 1: Check Cashers, Cash-Dispensing Machines, and Virtual Currency Kiosks**Applicable Statute: 32 M.R.S.A. §6080**

The following responses reflect the Bureau's experience in administering the public records exception under 32 M.R.S.A. §6080, which applies to licensees operating check cashing services, cash-dispensing machines, and virtual currency kiosks. The nature of the records and the application of the exception are consistent with other financial services regulated by BCCP.

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

Response: The Bureau of Consumer Credit Protection (BCCP) has limited but consistent experience in administering the public records exception related to confidential consumer financial information and investigative materials. This exception is typically applied to records that contain:

- Personally identifiable information (PII) of consumers
- Financial account details
- Credit reports or scores
- Complaint narratives involving sensitive financial matters
- Internal investigative notes or correspondence with regulated entities

These records are protected under both Maine's Freedom of Access Act (FOAA) and applicable federal privacy laws (e.g., GLBA, FCRA), and are generally exempt from public disclosure to safeguard consumer privacy and the integrity of ongoing investigations.

Frequency of Application: The exception is applied periodically, most often in response to FOAA requests involving consumer complaints or enforcement actions. The exception is cited as needed to protect sensitive consumer information and investigative materials.

Denial of Production: Denials based on this exception are infrequent but necessary.

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

Response: The Bureau of Consumer Credit Protection (BCCP) supports the continuation of this public records exception. The exception plays a critical role in protecting the privacy of Maine consumers who submit complaints or are the subject of investigations. Many of the records BCCP maintains contain sensitive personal and financial information, including credit histories, account numbers, and complaint narratives that, if disclosed, could expose individuals to identity theft, reputational harm, or other risks. Additionally, the exception helps preserve the integrity of ongoing investigations and regulatory actions. Premature disclosure of investigative records could compromise enforcement efforts or discourage consumer cooperation.

Without this exception, BCCP's ability to fulfill its consumer protection mission would be significantly impaired. The current framework strikes an appropriate balance between transparency and the need to safeguard confidential information.

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

Response: The Bureau of Consumer Credit Protection (BCCP) has not encountered significant problems in applying this public records exception. In general, it is clear that records containing personally

identifiable financial information, complaint details, and investigative materials are intended to be confidential under Maine's Freedom of Access Act (FOAA) and related statutes.

However, occasional confusion arises when requesters are unfamiliar with the scope of the exception or expect full disclosure of complaint files. In such cases, BCCP provides clarification and, when possible, redacted versions of records to balance transparency with privacy protections.

The statutory language describing the exception is sufficiently clear for internal application but could benefit from more explicit examples or cross-references to federal privacy laws (e.g., GLBA, FCRA) to help external requesters better understand why certain records are withheld.

Question 4: *Does your agency recommend changes to this exception?*

Response: At this time, the Bureau of Consumer Credit Protection (BCCP) does not recommend changes to this public records exception. The exception has functioned effectively in protecting sensitive consumer financial information and investigative materials. However, any recommendation to amend statutory language would require further internal review and policy-level consideration.

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

Response: Stakeholders whose input should be considered in evaluating this public records exception include:

- **Maine consumers** who submit complaints to BCCP
- **Regulated entities**, including licensed money transmitters, check cashers and kiosk operators
- **Legal services organizations**, such as Pine Tree Legal Assistance - (207) 774-8211
- **Privacy and data protection experts**, including the **Maine Attorney General's Office – Consumer Protection Division** - (207) 626-8849
- **FOAA practitioners and transparency advocates**, such as the **Maine Freedom of Information Coalition**

BCCP does not maintain direct contact information for all stakeholders but can assist in identifying relevant parties upon request.

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

Response: The Bureau of Consumer Credit Protection (BCCP) believes the Advisory Committee's review of this public records exception should consider the unique nature of the financial services regulated under 32 M.R.S.A. §6080 and §6115(81), including money transmission, check cashing, and virtual currency kiosk operations. These industries handle high volumes of consumer financial transactions, often involving vulnerable populations who rely on these services for access to funds, remittances, or alternative banking options.

The exception helps protect sensitive consumer information such as transaction details, identification documents, and complaint narratives. It also safeguards internal investigative records that, if disclosed prematurely, could compromise enforcement actions or discourage cooperation from licensees.

Given the overlap with federal privacy laws and the potential for reputational or financial harm to consumers and businesses, maintaining this exception is critical to ensuring regulatory integrity and consumer trust in these sectors.

Note: Responses below mirror those provided under Section 1, as the nature of the records and regulatory context are substantially similar.

Section 2: Money Transmitters

Applicable Statute: 32 M.R.S.A. §6115(81).

The following responses reflect the Bureau's experience in administering the public records exception under 32 M.R.S.A. §6115(81), which applies to licensed money transmitters. The records subject to this exception and the Bureau's application of it are consistent with other financial services oversight functions.

Note: Responses below mirror those provided under Section 1, as the nature of the records and regulatory context are substantially similar.

Question 1

Experience in administering or applying this public records exception. *Same response as Section 1.*

Question 2

Support or opposition to continuation of the exception. *Same response as Section 1.*

Question 3

Problems in application and clarity of the exception. *Same response as Section 1.*

Question 4

Recommended changes to the exception. *Same response as Section 1.*

Question 5

Stakeholders to consider in evaluating the exception. *Same response as Section 1.*

Question 6

Additional relevant information. *Same response as Section 1.*

Reference #1

25 MRSA §1577, sub-§2

§1577. DNA records

2. Access to records. ~~The following persons or agencies may have access to DNA records:~~
Permissible disclosure. DNA records may be disclosed to the following persons or agencies:

- A. Local, county, state and federal criminal justice and law enforcement agencies, including forensic laboratories serving the agencies, for identification purposes that further official criminal investigations;
- B. The FBI for storage and maintenance of CODIS;
- C. Medical examiners and coroners for the purpose of identifying remains; and
- D. A person who has been identified and charged with a criminal offense or a juvenile crime as a result of a search of DNA records stored in the state DNA data base. ~~A Disclosure to a person who has been identified and charged with a criminal offense or a juvenile crime has access only is limited~~ to that person's records and any other records that person is entitled to under the Maine Rules of Evidence.

Reference #3 (13)

26 MRSA §685, sub-§3

3. Confidentiality. This subsection governs the use of information acquired by an employer in the testing process.

A. Unless the employee or applicant consents, all information acquired by an employer in the testing process is confidential and may not be ~~released~~ disclosed to any person other than the employee or applicant who is tested, any necessary personnel of the employer and a provider of rehabilitation or treatment services under subsection 2, paragraph C. This paragraph does not prevent:

- (1) The ~~release~~ disclosure of this information when required or permitted by state or federal law, including ~~release~~ disclosure under section 683, subsection 8, paragraph D; or
- (2) The use of this information in any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of test results.

B. Notwithstanding any other law, the results of any substance use test required, requested or suggested by any employer may not be used in any criminal proceeding.

Reference #10 (39)

29-A MRSA §253

§253. Confidentiality of nongovernment vehicle records

Upon receiving a written request by an appropriate criminal justice official and 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~~ are confidential for a specific period of time, which may not exceed the expiration of the current registration.

Reference #15 (44)

29-A MRSA §1301 sub-§6-A

§1301. Application

6-A. Confidentiality. Except as required by 18 United States Code, Section 2721(b) or as needed to implement the federal National Voter Registration Act of 1993, the federal Help America Vote Act of 2002 or other federal election law, the Secretary of State may not ~~disseminate~~ disclose information collected under subsection 6. For every willful violation of this subsection, a person commits a civil violation for which a fine of not more than \$500 may be adjudged.

Reference #19 (49)

29-A MRSA §2251, sub-§7-A

7-A. Accident report database; public dissemination of accident report data. Data contained in an accident report database maintained, administered or contributed to by the Department of Public Safety, Bureau of State Police must be treated as follows.

A. For purposes of this subsection, the following terms have the following meanings.

- (1) "Data" means information existing in an electronic medium and contained in an accident report database.
- (2) "Nonpersonally identifying accident report data" means any data in an accident report that are not personally identifying accident report data.
- (3) "Personally identifying accident report data" means:
 - (a) An individual's name, residential and post office box mailing address, social security number, date of birth and driver's license number;

- (b) A vehicle registration plate number;
- (c) An insurance policy number;
- (d) Information contained in any free text data field of an accident report;
and
- (e) Any other information contained in a data field of an accident report
that may be used to identify a person.

B. Except as provided in paragraph B-1 and Title 16, section 805-A, subsection 1, paragraph F, ~~the Department of Public Safety, Bureau of State Police may not publicly disseminate~~ personally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police are confidential. ~~Such data are not public records for the purposes of Title 1, chapter 13.~~

B-1. The Department of Public Safety, Bureau of State Police may ~~disseminate~~ disclose a vehicle registration plate number contained in an accident report database maintained, administered or contributed to by the Bureau of State Police to a person only if that person provides the Bureau of State Police an affidavit stating that the person will not:

- (1) Use a vehicle registration plate number to identify or contact a person; or
- (2) Disseminate a vehicle registration plate number to another person.

C. ~~The Department of Public Safety, Bureau of State Police may publicly disseminate nonpersonally~~ Non-personally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police are not confidential. The cost of furnishing a copy of such data is not subject to the limitations of Title 1, section 408-A

Reference #33 (73)

32 MRSA §2600-A

§2600-A. Confidentiality of personal information of applicant or licensee

An applicant or licensee shall provide the board with a current professional address and telephone number, which will be their public contact address, and a personal residence address, ~~and telephone number and email address~~. An applicant's or licensee's personal residence address, ~~and telephone number is and email address are~~ confidential information and may not be disclosed except as permitted by this section or as required by law; ~~Unless-However, if the~~ personal residence address and telephone number have been provided as the public contact address, the personal residence address and telephone number are not confidential. Personal health information submitted as part of any application is confidential information and may not be disclosed except as permitted by this section or as required by law. The personal health information and personal residence address, ~~and telephone number and email address~~ may be

provided to other governmental licensing or disciplinary authorities or to any health care providers located within or outside this State that are concerned with granting, limiting or denying a physician's employment or privileges.

Reference #34 (74)

32 MRSA §2600-E

§2600-E. Inspection or copying of record; procedure

1. Request for record; redaction. When the board receives a request to inspect or copy all or part of the record of an applicant or licensee, the board shall redact confidential information ~~that is not public~~ before making the record available for inspection or copying.

2. Notice and opportunity to review. When the board acknowledges a request to inspect or copy an applicant's or a licensee's record as required by Title 1, section 408-A, subsection 3, the board shall send a notice to the applicant or licensee at the applicant's or licensee's last address on file with the board explaining that the request has been made and that the applicant or licensee may review the redacted record before it is made available for inspection or copying. The acknowledgment to the requester must include a description of the review process provided to the applicant or licensee pursuant to this section, including the fact that all or part of the record may be withheld if the board finds that disclosure of all or part of the redacted record creates a potential risk to the applicant's or licensee's personal safety or the personal safety of any 3rd party. The applicant or licensee has 10 business days from the date the board sends the notice to request the opportunity to review the redacted record. If the applicant or licensee so requests, the board shall send a copy of the redacted record to the applicant or licensee for review. The board shall make the redacted record available to the requester for inspection or copying 10 business days after sending the redacted record to the applicant or licensee for review unless the board receives a petition from the applicant or licensee under subsection 4.

3. Reasonable costs. Reasonable costs related to the review of a record by the applicant or licensee are considered part of the board's costs to make the redacted record available for inspection or copying under subsection 2 and may be charged to the requester.

4. Action based on personal safety. An applicant or licensee may petition the board to withhold the release of all or part of a record under subsection 2 based on the potential risk to the applicant's or licensee's personal safety or the personal safety of any 3rd party if the record is disclosed to the public. The applicant or licensee must petition the board to withhold all or part of the record within 10 business days after the board sends the applicant or licensee the redacted record. The petition must include an explanation of the potential safety risks and a list of items requested to be withheld. Within 60 days of receiving the petition, the board shall notify the applicant or licensee of its decision on the petition. If the applicant or licensee disagrees with the board's decision, the applicant or licensee may file a petition in Superior Court to enjoin the release of the record under subsection 5.

5. Injunction based on personal safety. An applicant or licensee may bring an action in Superior Court to enjoin the board from releasing all or part of a record under subsection 2 based on the potential risk to the applicant's or licensee's personal safety or the personal safety of any 3rd party if the record is disclosed to the public. The applicant or licensee must file the action within 10 business days after the board notifies the applicant or licensee under subsection 4 that the board will release all or part of the redacted record to the requester. The applicant or licensee shall immediately provide written notice to the board that the action has been filed, and the board may not make the record available for inspection or copying until the action is resolved.

6. Hearing. The hearing on an action filed under subsection 5 may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

7. Application. This section does not apply to requests for records from other governmental licensing or disciplinary authorities or from any health care providers located within or outside this State that are concerned with granting, limiting or denying an applicant's or licensee's employment or privileges.

Reference #35 (80)

32 MRSA §6080

§6080. Confidentiality

Information confidentiality and disclosure is governed by this section.

1. Confidentiality and prohibited disclosure. Except as otherwise provided in subsection 2, all information or reports obtained by the administrator from an applicant for a license, licensee or authorized delegate and all information contained in or related to an examination, investigation, operating report or condition report prepared by, on behalf of or for the use of the administrator, or financial statements, balance sheets or authorized delegate information, are confidential and are not subject to disclosure under Title 1, chapter 13 except as provided in this section.

2. Authorized disclosure. The administrator may disclose confidential information ~~not otherwise subject to disclosure under subsection 1~~ to representatives of state or federal agencies who certify in a record that they will maintain the confidentiality of the information or if the administrator finds that the release is reasonably necessary for the protection and interest of the public.

3. Licensees. This section does not prohibit the administrator from disclosing to the public a list of all licensees or the aggregated financial or transactional data concerning those licensees.

4. Public information. Information contained in the records of the bureau that is not confidential and may be made available to the public either on the bureau's publicly accessible website, upon receipt by the bureau of a written request, or in NMLS includes:

- A. The name, business address, telephone number and unique identifier of a licensee;
- B. The business address of a licensee's registered agent for service;
- C. The name, business address and telephone number of each authorized delegate;
- D. The terms of or a copy of a bond filed by a licensee, as long as confidential information, including but not limited to prices and fees for that bond, is redacted;
- E. Copies of nonconfidential final orders of the bureau relating to a violation of this Act or rules implementing this Act; and
- F. Imposition of an administrative fine or penalty under this Act.

Reference #37 (95)

32 MRSA §16808

§16808. Records

A broker-dealer or investment adviser shall provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to the Department of Health and Human Services and to a law enforcement agency as part of a referral to the department or to a law enforcement agency or upon request of the department or a law enforcement agency pursuant to an investigation. The records may include historical records and records relating to recent transactions that may constitute financial exploitation of an eligible adult. All records made available to agencies under this section are ~~not public records for purposes of Title 1, chapter 13, subchapter 1~~ confidential. Nothing in this section limits or otherwise impedes the authority of the administrator to access or examine the books and records of broker-dealers and investment advisers as otherwise provided by law.



**MAINE MUNICIPAL
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October 15, 2024

Anne Davison
Office of Policy & Legal Analysis
13 State House Station
Augusta, ME 04333-0013

RE: RTKAC Municipal Public Records Exceptions Review

Dear Ms. Davison,

Please accept this letter as MMA's response to the request for feedback regarding the public records exceptions that fall within the scope of municipal authority. What follows are the comments and suggestions provided by staff in our Legal Services and Human Resources departments, which pertain only to personnel records, zoning adjustments and CEO authority over disability structure permits. MMA does not have the experience necessary to offer feedback on the exceptions extended to housing authorities or applied under the State's tax increment financing laws.

It is important to note that MMA staff do not administer or apply public records exceptions. Rather, various departments within MMA provide legal advice, develop guidance and offer training on the law's application. While we cannot assess the frequency with which exceptions are applied, we believe the provisions afforded under 30-A MRSA §2702, §4353, and §4353-A are helpful in protecting confidential information.

However, refinements to existing provisions should be considered.

Personnel Records (30-A MRSA §2702, sub-§1)

Public Employee Personal Contact Information. 1 MRSA §402(3)(O) makes the personal contact information concerning public employees (home address, telephone number, email, cell number, etc.) confidential except when that information is made public pursuant to other laws. However, a related provision in 30-A MRSA §2702 (1)(A)(1) makes applications, resumes and letters of reference public once the applicant is hired. This language, in effect, serves to render the confidential status of a municipal employee's personal contact information in 1 MRSA §402(3)(O) meaningless, since most of that personal contact information appears on employment applications, which are public records.

The conflict between 1 MRSA §402(3)(O) and 30-A MRSA §2702(1)(B)(5) could be addressed by clarifying that application records, except personal contact information, are public records, and that personal contact information should be redacted.

Records Pertaining to an Identifiable Employee. Clarification regarding 30-A MRSA §2702(1)(B)(2) may be warranted, as there is confusion as to whether the provision protecting

performance evaluations and personal references submitted in confidence pertains to the materials: (1) submitted during an application process; (2) those administered during employment; or (3) both.

Complaints, Charges & Complaints of Misconduct. The provision under 30-A MRSA §2702(1)(B)(5) raises an important question. If a disciplinary action is overturned or removed by an arbitrator, why is that disciplinary action still public even if the employee's name has been removed? Since the disciplinary action was not supported by an arbitrator it seems that it should be redacted. Failure to do so may lead to creative interpretations of a record and an erroneous conclusion regarding an employee's aptitude.

Additionally, as provided for in the supporting paragraph to 30-A MRS §2702(1)(B)(5)(b), in some cases the arbitration process can take longer than 120 days. If information regarding the disciplinary action can become public after the 120 days and before the completion of the arbitration process, there could be personal and professional issues created for the disciplined individual before a final determination by the arbitrator can be made. Providing that a "final disciplinary action" in 30-A MRS §2702(1)(B)(5)(a) cannot be deemed "final" until the timeframe for appeal of a decision has run and the decision was not appealed would help avoid confusion with respect to this section's applicability.

Zoning Adjustments & CEO Authority for Disability Structure Permits (30-A MRSA § 4353, sub-§4-A & 4353-A)

Again, MMA does not administer or apply these two public records exceptions. Our experience involves various MMA departments' advice, guidance and training for municipal officials on the application of this exception as it relates to application materials for disability variances when discussed in executive sessions by a municipal board or protected in a confidential file.

We do not have any suggestions for modifications to increase clarity – the exceptions are sufficiently clear and helpful to have in the statute since it provides clear authority to make these records related to a person's disability and application for a variance confidential. Although such medical records may be confidential under another statute, having it clearly indicated in the statutes governing disability variances helps municipal officials protect an applicant's privacy by providing clear authority to redact this information or records from a request.

Other Clarifications for Consideration

Additionally, to the extent the opportunity exists MMA offers the following clarifications for the RTKAC's consideration.

Information contained in a communication between a constituent and an elected official (1 MRSA § 402, sub-§ 3 (C-1)). It appears that this exception is intended to protect information that would otherwise be confidential (e.g. the credit or financial information of the constituent, or complaints related to a municipal employee), but the phrasing of the exception is overly broad and could include any number of statements related to "credit or financial information" of

municipal accounts or “complaints” about poor road conditions, which would not be confidential otherwise.

Ambulance medical records and reports (1 MRSA § 402(H)). Does this exception include the entire report, or just medical information? Should the entire report be deemed confidential, or should just certain information be redacted?

Confidentiality of medical cannabis records (22 MRSA § 2524-A(14)). This new law makes certain caregiver registration information in the custody of the state Office of Cannabis Policy confidential. Questions have come up in municipalities with their own local licensing process for medical cannabis caregiver operations as to whether that information would also be confidential if provided to the municipality directly.

Thank you for the opportunity to provide feedback on these exceptions. If you have any questions regarding our comments or need additional information, please do not hesitate to contact me at either kdufour@memun.org or 1-800-452-8786.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Dufour", with a long horizontal line extending to the right.

Kate Dufour
MMA, Advocacy & Communications Director

§402. Definitions

1. Conditional approval. Approval of an application or granting of a license, certificate or any other type of permit upon conditions not otherwise specifically required by the statute, ordinance or regulation pursuant to which the approval or granting is issued.

[PL 1975, c. 758 (NEW).]

1-A. Legislative subcommittee. "Legislative subcommittee" means 3 or more Legislators from a legislative committee appointed for the purpose of conducting legislative business on behalf of the committee.

[PL 1991, c. 773, §1 (NEW).]

2. Public proceedings. The term "public proceedings" as used in this subchapter means the transactions of any functions affecting any or all citizens of the State by any of the following:

A. The Legislature of Maine and its committees and subcommittees; [PL 1975, c. 758 (NEW).]

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Community College System and any of its committees and subcommittees; [PL 1989, c. 878, Pt. A, §1 (RPR); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

C. Any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision; [PL 1991, c. 848, §1 (AMD).]

D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [PL 1995, c. 608, §1 (AMD).]

E. The board of directors of a nonprofit, nonstock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees; [PL 2009, c. 334, §1 (AMD).]

F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter; and [PL 2009, c. 334, §2 (AMD).]

G. The committee meetings, subcommittee meetings and full membership meetings of any association that:

(1) Promotes, organizes or regulates statewide interscholastic activities in public schools or in both public and private schools; and

(2) Receives its funding from the public and private school members, either through membership dues or fees collected from those schools based on the number of participants of those schools in interscholastic activities.

This paragraph applies to only those meetings pertaining to interscholastic sports and does not apply to any meeting or any portion of any meeting the subject of which is limited to personnel issues, allegations of interscholastic athletic rule violations by member schools, administrators, coaches or student athletes or the eligibility of an individual student athlete or coach. [PL 2009, c. 334, §3 (NEW).]

[PL 2009, c. 334, §§1-3 (AMD).]

3. Public records. The term "public records" means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business, except:

A. Records that have been designated confidential by statute; [PL 1975, c. 758 (NEW).]

B. Records that would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials if the records or inspection thereof were sought in the course of a court proceeding; [PL 1975, c. 758 (NEW).]

C. Legislative papers and reports until signed and publicly distributed in accordance with legislative rules, and records, working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the legislative session or sessions in which the papers or reports are prepared or considered or to which the paper or report is carried over; [PL 1991, c. 773, §2 (AMD).]

C-1. Information contained in a communication between a constituent and an elected official if the information:

(1) Is of a personal nature, consisting of:

(a) An individual's medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(b) Credit or financial information;

(c) Information pertaining to the personal history, general character or conduct of the constituent or any member of the constituent's immediate family; or

(d) Complaints, charges of misconduct, replies to complaints or charges of misconduct or memoranda or other materials pertaining to disciplinary action; or

(2) Would be confidential if it were in the possession of another public agency or official; [PL 2019, c. 667, Pt. A, §1 (AMD).]

D. Material prepared for and used specifically and exclusively in preparation for negotiations, including the development of bargaining proposals to be made and the analysis of proposals received, by a public employer in collective bargaining with its employees and their designated representatives; [PL 1989, c. 358, §4 (AMD).]

E. Records, working papers, interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy, the Maine Community College System and the University of Maine System when the subject matter is confidential or otherwise protected from disclosure by statute, other law, legal precedent or privilege recognized by the courts of this State. The provisions of this paragraph do not apply to the boards of trustees and the committees and subcommittees of those boards, which are referred to in subsection 2, paragraph B; [PL 2019, c. 667, Pt. B, §1 (AMD).]

F. Records that would be confidential if they were in the possession or custody of an agency or public official of the State or any of its political or administrative subdivisions are confidential if those records are in the possession of an association, the membership of which is composed

exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [PL 1991, c. 448, §1 (AMD).]

G. Materials related to the development of positions on legislation or materials that are related to insurance or insurance-like protection or services which are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [PL 1991, c. 448, §1 (AMD).]

H. Medical records and reports of municipal ambulance and rescue units and other emergency medical service units, except that such records and reports must be available upon request to law enforcement officers investigating criminal conduct; [PL 1995, c. 608, §4 (AMD).]

I. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter; [PL 1999, c. 96, §1 (AMD).]

J. Working papers, including records, drafts and interoffice and intraoffice memoranda, used or maintained by any advisory organization covered by subsection 2, paragraph F, or any member or staff of that organization during the existence of the advisory organization. Working papers are public records if distributed in a public meeting of the advisory organization; [PL 2019, c. 667, Pt. B, §2 (AMD).]

K. Personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or nonmandatory educational programs or services. This paragraph does not apply to records governed by Title 20-A, section 6001 and does not supersede Title 20-A, section 6001-A; [PL 2019, c. 667, Pt. A, §2 (AMD).]

L. Records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism, but only to the extent that release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public. Information contained in records covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. For purposes of this paragraph, "terrorism" has the same meaning as in Title 37-B, section 703, subsection 8; [PL 2025, c. 77, §1 (AMD).]

M. Records or information describing the architecture, design, access authentication, encryption or security of information technology infrastructure, systems and software, including records or information maintained to ensure government operations and technology continuity and to facilitate disaster recovery. Records or information covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure; [PL 2019, c. 667, Pt. A, §3 (AMD).]

N. Social security numbers; [PL 2011, c. 320, Pt. E, §1 (AMD).]

O. Personal contact information concerning public employees, except when that information is public pursuant to other law. For the purposes of this paragraph:

- (1) "Personal contact information" means personal address, telephone number, facsimile number, e-mail address, cellular telephone number, pager number and username, password and uniform resource locator for a personal social media account as defined in Title 26, section 615, subsection 4; and

(2) "Public employee" means an employee as defined in Title 14, section 8102, subsection 1, except that "public employee" does not include elected officials; [PL 2019, c. 667, Pt. B, §3 (AMD).]

P. Geographic information regarding recreational trails that are located on private land that are authorized voluntarily as such by the landowner with no public deed or guaranteed right of public access, unless the landowner authorizes the release of the information; [PL 2011, c. 149, §1 (AMD).]

REVISOR'S NOTE: (Paragraph P as enacted by PL 2009, c. 339, §3 is REALLOCATED TO TITLE 1, SECTION 402, SUBSECTION 3, PARAGRAPH Q)

Q. (REALLOCATED FROM T. 1, §402, sub-§3, ¶P) Security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events that are prepared for or by or kept in the custody of the Department of Corrections or a county jail if there is a reasonable possibility that public release or inspection of the records would endanger the life or physical safety of any individual or disclose security plans and procedures not generally known by the general public. Information contained in records covered by this paragraph may be disclosed to state and county officials if necessary to carry out the duties of the officials or the Department of Corrections under conditions that protect the information from further disclosure; [PL 2015, c. 335, §1 (AMD).]

R. [PL 2017, c. 163, §1 (RP).]

S. E-mail addresses obtained by a political subdivision of the State for the sole purpose of disseminating noninteractive notifications, updates and cancellations that are issued from the political subdivision or its elected officers to an individual or individuals that request or regularly accept these noninteractive communications; [PL 2015, c. 161, §1 (AMD).]

T. Records describing research for the development of processing techniques for fisheries, aquaculture and seafood processing or the design and operation of a depuration plant in the possession of the Department of Marine Resources; [PL 2017, c. 118, §1 (AMD).]

U. Records provided by a railroad company pursuant to Title 23, section 7311, subsection 5 and records describing hazardous materials transported by the railroad company in this State, the routes of hazardous materials shipments and the frequency of hazardous materials operations on those routes that are in the possession of a state or local emergency management entity or law enforcement agency, fire department or other first responder, except that records related to a train carrying hazardous materials that has derailed at any point from a main line train track or related to a discharge of hazardous materials transported by a railroad company that poses a threat to public health, safety and welfare are subject to public disclosure after that discharge. For the purposes of this paragraph, "hazardous material" has the same meaning as set forth in 49 Code of Federal Regulations, Section 105.5; [PL 2025, c. 99, §1 (AMD).]

V. Participant application materials and other personal information obtained or maintained by a municipality or other public entity in administering a community well-being check program, except that a participant's personal information, including health information, may be made available to first responders only as necessary to implement the program. For the purposes of this paragraph, "community well-being check program" means a voluntary program that involves daily, or regular, contact with a participant and, when contact cannot be established, sends first responders to the participant's residence to check on the participant's well-being; [PL 2025, c. 99, §2 (AMD).]

W. Information in the possession of a public utility, the Office of the Public Advocate or the Public Utilities Commission pertaining to an individual customer of a public utility as defined in Title 35-A, section 102, subsection 13 that is designated by rule as confidential by the Public Utilities Commission pursuant to Title 35-A, section 111; and [PL 2025, c. 99, §3 (NEW).]

X. Information in the possession of a public sewer system pertaining to an individual customer of a public utility as described in this paragraph. For purposes of this paragraph, "public sewer system" means a municipality, division of a municipality or quasi-municipal entity that is a municipal sewer department, a sewer district as defined in Title 38, section 1032, subsection 3 or 4, a system that collects stormwater or a sanitary district formed under Title 38, chapter 11.

(1) If the municipality, division of a municipality or quasi-municipal entity, referred to in this subparagraph as "the entity," is both a public sewer system and a water utility as defined in Title 35-A, section 102, subsection 22, information in the possession of the entity, the Office of the Public Advocate or the Public Utilities Commission pertaining to an individual customer of the public sewer system is confidential if that information would be confidential under paragraph W if the information pertained to an individual customer of a water utility.

(2) For all public sewer systems not described in subparagraph (1), information in the possession of the public sewer system pertaining to an individual customer of the public sewer system, including the customer's name, physical or mailing address, e-mail address, telephone number, utility usage, payment and credit history, financial condition or medical condition, or financial or medical condition of a member of the customer's family, is confidential and may not be disclosed by the public sewer system unless:

(a) The customer consents to the disclosure. For purposes of this division, the public sewer system may accept an oral certification from a social service agency that the customer has consented to the public sewer system's disclosure of the customer's information to the social service agency;

(b) The disclosure is made for the purpose of debt collection, credit reporting or usage reporting pursuant to state or federal law, except that the information may not be disclosed for purposes of debt collection or credit reporting purposes if the customer is currently protected by a protection from abuse order and the customer has disclosed the protection from abuse order to the public sewer system;

(c) The disclosure is made to a law enforcement officer or law enforcement agency pursuant to lawful process;

(d) The disclosure is made to state, county, tribal or local emergency management agency personnel when the information about the individual customer is requested while the agency is responding to an emergency situation;

(e) The disclosure is made to a public utility or public sewer system to the extent necessary to allow these entities to bill customers for services rendered; or

(f) The disclosure is otherwise required by state or federal law. [PL 2025, c. 99, §4 (NEW).]

[PL 2025, c. 77, §1 (AMD); PL 2025, c. 99, §§1-4 (AMD).]

3-A. Public records further defined. "Public records" also includes the following criminal justice agency records:

A. Records relating to prisoner furloughs to the extent they pertain to a prisoner's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, address of furlough and dates of furlough; [PL 2013, c. 267, Pt. B, §1 (AMD).]

B. Records relating to out-of-state adult probationer or parolee supervision to the extent they pertain to a probationer's or parolee's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, address of residence and dates of supervision; and [PL 2013, c. 267, Pt. B, §1 (AMD).]

C. Records to the extent they pertain to a prisoner's, adult probationer's or parolee's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, and current address or location, unless the Commissioner of Corrections determines that it would be detrimental to the welfare of a client to disclose the information. [PL 2013, c. 267, Pt. B, §1 (AMD).]
[PL 2013, c. 267, Pt. B, §1 (AMD).]

4. Public records of interscholastic athletic organizations. Any records or minutes of meetings under subsection 2, paragraph G are public records.
[PL 2009, c. 334, §4 (NEW).]

5. Public access officer. "Public access officer" means the person designated pursuant to section 413, subsection 1.
[PL 2011, c. 662, §3 (NEW).]

6. Reasonable office hours. "Reasonable office hours" includes all regular office hours of an agency or official.
[PL 2011, c. 662, §3 (NEW).]

SECTION HISTORY

PL 1973, c. 433, §1 (AMD). PL 1975, c. 243 (RPR). PL 1975, c. 483, §2 (AMD). PL 1975, c. 758 (RPR). PL 1977, c. 164, §§1,2 (AMD). PL 1977, c. 696, §9 (AMD). PL 1985, c. 695, §§1,2 (AMD). PL 1985, c. 779, §§1,2 (AMD). PL 1987, c. 20, §1 (AMD). PL 1987, c. 402, §A1 (AMD). PL 1987, c. 477, §1 (AMD). PL 1989, c. 358, §§1-4 (AMD). PL 1989, c. 443, §§1,2 (AMD). PL 1989, c. 878, §§A1,2 (AMD). PL 1991, c. 448, §§1,2 (AMD). PL 1991, c. 773, §§1,2 (AMD). PL 1991, c. 848, §1 (AMD). PL 1995, c. 608, §§1-5 (AMD). PL 1997, c. 714, §1 (AMD). PL 1999, c. 96, §§1-3 (AMD). PL 2001, c. 477, §1 (AMD). PL 2001, c. 675, §§1-3 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2003, c. 392, §§1-3 (AMD). PL 2003, c. 614, §§1-3 (AMD). PL 2005, c. 381, §§1-3 (AMD). PL 2007, c. 597, §1 (AMD). RR 2009, c. 1, §§1-3 (COR). PL 2009, c. 176, §§1-3 (AMD). PL 2009, c. 334, §§1-4 (AMD). PL 2009, c. 339, §§1-3 (AMD). PL 2011, c. 149, §§1-3 (AMD). PL 2011, c. 264, §1 (AMD). PL 2011, c. 320, Pt. E, §1 (AMD). PL 2011, c. 662, §§2, 3 (AMD). PL 2013, c. 267, Pt. B, §1 (AMD). PL 2013, c. 339, §§1-3 (AMD). PL 2013, c. 518, §§1-3 (AMD). PL 2015, c. 161, §§1-3 (AMD). PL 2015, c. 335, §1 (AMD). PL 2017, c. 118, §§1-3 (AMD). PL 2017, c. 163, §1 (AMD). PL 2019, c. 667, Pt. A, §§1-3 (AMD). PL 2019, c. 667, Pt. B, §§1-4 (AMD). PL 2023, c. 618, §1 (AMD). PL 2025, c. 77, §1 (AMD). PL 2025, c. 99, §§1-4 (AMD).

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