

**Right to Know Advisory Committee
Public Records Exceptions Review Subcommittee**

PROPOSED DRAFT LEGISLATION TO AMEND EXCEPTIONS

REF #28 (Amend 4-0 on 11/20)

Sec. ____. **10 MRSA §1107** is amended to read:

§1107. Investigation by Attorney General

The Attorney General upon the Attorney General's own initiative or upon petition of 50 or more citizens of this State, shall investigate all seeming violations of sections 1102-A and 1105 to 1107, all contracts, combinations or conspiracies in restraint of trade or commerce, and all monopolies, and may require, by summons, the attendance and testimony of witnesses and the production of books and papers before the Attorney General relating to any such matter under investigation. The summons must be served in the same manner as summons for witnesses in criminal cases, and all provisions of law relating thereto apply to summonses issued under this section so far as they are applicable. All investigations or hearings thereunder or connected therewith to which witnesses are summoned or called upon to testify or to produce books, records or correspondence are ~~confidential public or private at the choice of the person summoned~~ and must be held in the county where the act to be investigated is alleged to have been committed, or if the investigation is on petition it must be held in the county in which the petitioners reside. Books, records or correspondence produced in response to a summons issued under this section may be disclosed by the Attorney General with the consent of the producing party and in court pleadings or other papers filed in court. The expense of such investigation must be paid from the appropriation provided by Title 5, section 203.

If, upon investigation, it appears to the Attorney General that the laws of this State, including sections 1102-A or 1105 to 1107, have been violated in any respect, the Attorney General shall prosecute the guilty parties and present all available information bearing upon such apparent violation to the proper prosecuting officer of the United States.

Any Justice of the Superior Court may by order, upon application of the Attorney General, compel the attendance of witnesses, the production of books and papers, including correspondence, and the giving of testimony, before the Attorney General in the same manner and to the same extent as before the Superior Court. Any failure to obey such order may be punishable by such court as a contempt.

Summary

This language makes the language consistent with how other exceptions refer to documents that are not subject to disclosure and clarifies that the confidentiality of the records is not tethered to an affirmative option of the person providing the records. The amendment further clarifies that books, records or correspondence produced in response to a summons may be

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disclosed by the Attorney General with the consent of the producing party and in court pleadings or other parties filed in court.

REF #42 (Repeal 4-0 on 11/6)

Sec. ____. **12 MRSA §550-B, sub-§6** is amended to read:

6. Information use. Information collected by the Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey under this section is subject to Title 1, chapter 13, subchapter 1, ~~unless the well drilling company to whom the information belongs or pertains requests that it be designated as confidential and the bureau has determined it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available.~~ The Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey shall make information collected under this chapter available to any federal, state or municipal entity or authorized agent of such entity.

Summary

This language repeals the exception designating as confidential information collected by the Maine Geological Survey at the request of well drilling companies to whom the information pertains if the bureau has determined it contains proprietary information.