

STATUTE: 12 MRSA §8884

**AGENCY: Bureau of Forestry
Department of Agriculture, Conservation and Forestry**

CONTACT PERSON: Shannon Ayotte

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 8 through 12 before 2021; 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).

This exception has existed since 1989 and was established to protect business-related information reported by wood processing facilities to the Maine Forest Service (MFS). The information designated as confidential includes volumes of forest products; species of forest products; types of forest products; county of origin of forest products; and personally identifying information of forest product suppliers to roundwood processing operations and importers and exporters of forest products.

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

MFS supports continuation of the exception to protect business information.

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?

MFS believes the language of subsection 3 is sufficiently clear. No problems have occurred in the application of this subsection by the bureau.

4. Does your agency recommend changes to this exception?

MFS recommends no changes at this time.

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

**Maine Forest Products Council, Patrick Strauch, 622-9288;
pstrauch@maineforest.org**

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

MFS is available to assist the committee in its deliberations.