



Report Back

Report to the 2nd Session of the 132nd Joint Standing Committee on Inland Fisheries & Wildlife

On Resolve 2025 Chapter 37

To Convene a Working Group to Examine the Classification of and Access to Public Records Maintained by Certain State Agencies

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Executive Summary

LD 101, “An Act Regarding Public Records and Fees for Requesting Public Records from the Department of Inland Fisheries and Wildlife” was brought forth during the First Session of the 132nd Joint Standing Committee on Inland Fisheries & Wildlife. This bill was submitted by the Department of Inland Fisheries and Wildlife (MDIFW) with (3) goals: (1) to provide clear guidelines on protection of personally identifiable information (PII) within records the Department holds; (2) to explore a statutory exception to Freedom of Access Act (FOAA) law related to fees that would allow MDIFW to charge reasonable fees for names and contact information both for single records and large data sets, and (3) to gain statutory authority to send all-terrain vehicle (ATV) and snowmobile crash report data requestors to the Maine Crash Reporting System used by the Department of Public Safety.

In 2025, the 132nd Legislature passed [RESOLVE 2025 CHAPTER 37](#) titled Resolve, to Convene a Working Group to Examine the Classification of and Access to Public Records Maintained by Certain State Agencies. This resolve required a working group to be formed, and a report back be provided. The working group had 3 meetings during the fall of 2025 during which the group discussed each of the prescribed duties within the Resolve. These discussions formed the basis for this report and the proposed statutory changes to address the Department’s questions and concerns.

Background

MDIFW licensing, registration, tagging data, and recreational vehicle accident reports currently and historically, have been of interest to individual people and businesses wishing to gather information and communicate with groups of hunters, anglers, and recreational vehicle registrants. Some requests for data are submitted through the FOAA law, but many are not. Questions have arisen within the MDIFW regarding what types of PII should be released with such requests in respect to FOAA compliance. Additionally, for over 20 years the Department has charged fees for such data requests at \$.03/ names and addresses for lists of bulk contact information and \$5 for 1 copy of a license or permit in accordance with Department policy. The practice of charging this fee to help cover the cost to process requests and store the data was halted in 2024 after questions were raised that charging such fees conflicted with current FOAA law.

The Working Group was formed pursuant to [RESOLVE 2025 CHAPTER 37](#) to examine the classification of and accessibility of public records maintained by certain state agencies identified in the Resolve and to examine the associated fees that may be charged for those records.

Working Group Representation:

1. One member from the department, appointed by the Commissioner of Inland Fisheries and Wildlife, who serves as chair;
2. Two members from the Right to Know Advisory Committee who are not Legislators, one of whom must be the member appointed to represent law enforcement interests pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 2, paragraph F, appointed by the chair of the Right to Know Advisory Committee;
3. One member from the office of the Secretary of State, appointed by the Secretary of State;

4. One member from the Department of Marine Resources, appointed by the Commissioner of Marine Resources; and
5. One member from the Department of Public Safety, appointed by the Commissioner of Public Safety.

Duties of the Working Group:

1. Determine the classification and accessibility of public records by:
 - A. Reviewing the current provisions of the Freedom of Access Act;
 - B. Determining which records in the possession of the state agencies identified in section 3 are subject to disclosure under the Freedom of Access Act and which records are not; and
 - C. Identifying categories of information that the state agencies identified in section 3 should have the ability to designate as confidential and not subject to public disclosure;
2. Evaluate fees for public records requests by:
 - A. Examining and recommending appropriate fees for processing large-scale requests for public records; and
 - B. Considering a reasonable cost structure that balances public access with administrative burdens; and
3. Consider additional areas for review by identifying any other issues related to public records management, retention and disclosure as appropriate.

Over the course of three (two-three hour) meetings held between October and November 2025, the group focused on each of the Resolve duties by identifying primary problem areas, listening to presentations from other state agencies and entities regarding their statutory authority, practices, and data management models and discussing where to focus possible legislative changes.

Meeting Summaries/Discussions

Meeting #1 October 2, 2025

The Working Group began by reviewing the group's duties under the resolve and clarified its purpose which was to assess agency authority, consistency, and legal clarity around Freedom of Access Act (FOAA) requests, bulk data practices, fees, and confidentiality of personally identifying information (PII).

At the outset, the Working Group identified concerns with the increasing use of the Freedom of Access Act (FOAA) to obtain large data sets at little or no cost—often for commercial purposes. While the FOAA is intended to promote government transparency, the group noted that businesses can use FOAA requests to access data for private gain, which does not align with the law's original purpose. Agencies are not permitted to inquire about the intended use of a request, nor do they generally have authority to charge fees outside FOAA parameters, creating legal, operational, and fiscal challenges.

The group discussed the difficulty agencies face in determining whether a request should be treated as a FOAA request or as an informal information request made while serving constituents. For complex or

time-consuming requests, the group questioned whether agencies should be allowed to provide records in modified formats—such as excluding PII at the data-extraction stage—which FOAA does not require agencies to undertake, rather than relying on labor-intensive review of records and redaction of PII. The group also discussed the significant costs agencies incur in managing and storing large data sets and whether it is more efficient to rely on third-party partners rather than internal staff. There was a basic discussion about InforME's role in assisting state agencies with information processing including processing bulk data requests. InforME's statutory authority was explained.

Key concerns were outlined, including MDIFW's lack of statutory authority for certain provisions of its FOAA policy, bulk data fees processed through Information Resources of Maine (InforME), and questions about agencies' ability to create exemptions, charge differing fees, and protect PII such as dates of birth, email addresses, and phone numbers. The group generally supported stronger confidentiality protections and expressed concern about identity theft risks, particularly regarding date of birth disclosure. Members of the Working Group who represented the Right to Know Advisory Committee (RTKAC) were surprised at the amount of PII that was being released from the agencies involved and had great concern about the risk of identity theft.

The group discussed handling of MWS crash report data, potential alignment with DPS practices, and the need for statutory exemptions before moving to the DPS model used for motor vehicle crash reports.

Members examined differences between the more formal FOAA requests and informal information requests, agency fee schedules, and whether fees should vary by requestor intent. Agency-specific practices were reviewed such as approaches to bulk data, crash reports, and online request systems, with RTKAC cautioning agencies against utilizing mandatory request forms. The agencies who shared their practices included the SOS, DMR, and DPS.

The group agreed to pursue draft legislative language to clarify authority for fees, exemptions, crash report access, and PII confidentiality for MDIFW with the thought that there was potential for legislative solutions that could model existing statutes (e.g., Title 29-A). They also asked that the second meeting include presentations by staff at InforME, SOS, and DPS to gain more detail on their processes, this in addition to a focus on reviewing draft legislative proposals.

Meeting #2 October 21, 2025

This meeting began by gathering information specific to other agencies identified in the Resolve and reviewing InforME and SOS models to inform a draft proposal with a clear end goal. The group received information from the following agencies:

- **Department of Public Safety (DPS) Lt. Bruce Scott & Rebecca Graham:** Statutory exemptions and authority related to motor vehicle crash data and bulk requests.
- **Secretary of State (SOS) Clare Davitt:** Statutory fee schedules and rules governing printing, distribution, and bulk data subscriptions.
- **Department of Marine Resources (DMR) Deirdre Gilbert & Cathy Fetterman:** FOAA practices for commercial license data and treatment of PII.
- **Department of Inland Fisheries & Wildlife Angela Dionne:** how the IFW licensing and registration system (MOSES) works, the need for driver's license numbers (to help with proof of

residency), social security numbers for certain licenses, sharing MOSES with license agents, and what the agency is doing to protect PII data fields.

The group received an overview of InforME's role as the state's public data gateway, its governance structure, and fee model, as well as the SOS's approach to FOAA coordination, time-based fees, and subscription-based bulk data access.

Discussion centered on distinctions between bulk data and individual record requests, with bulk requests often routed through InforME and concerns around fees and protection of PII. The group expressed strong interest in consistently protecting dates of birth and other PII, noting the lack of a uniform statutory definition and inconsistent agency practices. There was consensus that personal and commercial uses of data should be treated differently, mirroring existing statutory models.

Technical capabilities were reviewed, including InforME's ability to filter data, limit fields, and keep sensitive information within agencies, as well as system capabilities (e.g., MOSES) to support selective extraction. Crash data handling was cited as a successful precedent, using limited PII, bulk/statistical access, and per-record fees under established agreements.

The Working Group next examined MDIFW's FOAA policy, which has been in place since 2016. A portion of MDIFW FOAA policy was not supported with statutory authority to charge one-time flat fees to provide records, to charge a requestor for lists of bulk data or to tell a requestor who was seeking MWS crash report data to buy it online in the same manner as DPS offers motor vehicle crash reports. The group agreed that proposing law to support charging those fees was the right direction.

The Working Group then held a substantial discussion about which types of personally identifiable information (PII) should remain confidential, including names, dates of birth, email addresses, and physical or mailing addresses. Everyone strongly agreed that dates of birth should be protected. There was interest in continuing to be able to provide some information for commercial or research purposes and all agreed that there should be a distinction between recreational vs. commercial type licenses, permits and records.

Much of the discussion was centered around MDIFW's law on confidentiality of emails. This stemmed from a 2011 law change within [Title 12, §10110: Hunting and fishing license; confidential](#); allowing hunting and fishing license applicants to request confidentiality for their email addresses. The statute was enacted after a retailer sought MDIFW license holders' email addresses for marketing purposes, prompting public concern. Due to implementation challenges MDIFW opted to treat all email addresses as confidential in response to data requests to the department. Some members argued that certain information—such as email addresses—is so commonly shared for commercial purposes that individuals may not reasonably expect their email address to be kept private. But members of the Right-to-Know Advisory Committee (RTKAC) and DPS enlightened the group on this expectation and countered that when a person provides an email address to MDIFW, they expect the government to use that information only for departmental purposes, not to share and exploit it with outside entities for commercial use. The public typically has a different expectation of privacy from a governmental agency than they have from a retailer.

To close meeting two, the group discussed potential legal approaches, favoring statutory definitions of PII and mirroring proven models to improve a successful legislative outcome. No fee schedule changes were recommended, with preference for a permissive "may charge a fee" language to be proposed

within statute and avoiding upfront agency costs. The next steps included forming a small drafting group, engaging InforME, reviewing agency practices, and advancing legislative or rulemaking options as appropriate.

Meeting #3 November 25, 2025

After the first two meetings and agency presentations, the Working Group discussed what they learned from each of the presentations given and agreed to narrow its focus on MDIFW-specific statutory authority, recognizing that expanding the scope to other agencies could delay progress. Participating agencies indicated they could pursue separate legislation if desired.

The final major topic addressed was how the Maine Warden Service (MWS) handles requests for recreational vehicle crash reports. The group discussed potential alignment with DPS practices, and the need for statutory exemptions. They examined how the Maine State Police within the Department of Public Safety manages motor vehicle crash reports under clear statutory authority and discussed granting MDIFW similar authority so that recreational vehicle crash reports could be handled in a consistent and legally supported manner.

The group looked closely at the Maine Crash Reporting System (MCRS), the database that houses all reportable motor vehicle crashes within the State of Maine. Those crash reports are entered into the database by the law enforcement agency having jurisdiction where the crash occurred. For over a decade now, the Maine Warden Service has utilized MCRS to enter snowmobile and all-terrain vehicle crashes. An individual who wishes to obtain a copy of a crash report can go to the MCRS website (<https://apps1.web.maine.gov/online/mcrs/>) and can search and request crash reports online from the MCRS. Searches can be conducted by name, date of birth, crash location, crash date, or investigating agency (police department). Individuals requesting these records simply need a credit card, Adobe PDF viewer and the name and date of birth of a specific individual involved in the crash if the request is for a specific crash report. If no matches are found for the search, the individual will not be charged. If reports are found matching the search criteria, the requestor will have the option to request one or more, with a credit card payment or subscription. Each report costs \$10.00. The report(s) are sent via email and are usually sent within two hours of the order being placed.

There is existing language within MRSA 29-A, Section 2251 that specifies that the cost of furnishing crash reports is not subject to the limitations of Title 1, section 408-A, hence the exception to charge rates outlined in FOAA law. This language refers specifically to motor vehicle crashes.

Currently, when an individual requests a recreational vehicle crash report from MDIFW, MWS staff refers the requester to the MCRS website to obtain copies of the report. However, there is no existing statutory language like the Title 29-A language which exempts the cost of furnishing the report from Title 1, section 408-A. Proposed language would align MDIFW operating procedures concerning recreational vehicle crash report requests with that of motor vehicle crash reporting.

The group affirmed that MDIFW was on the right track in terms of the path forward. The group reviewed prior presentations that informed draft legislative language and recommendations. There was further

discussion about the SOS's handling of bulk data and public records requests, how different request types are processed, and a presentation on current and potential technology solutions to support these efforts. Members reviewed the draft legislation carefully and emphasized the value it could bring if there was clear guidance for staff responding to complex requests. A future data warehouse initiative was noted as a way to streamline licensing and data searches. The meeting concluded with positive feedback on the efficiency of the process, appreciation for contributors, and confirmation that a draft report will be circulated for review and comment.

Conclusion

The group reviewed and refined draft legislative language to amend Title 12, Part 13, addressing MDIFW's authority related to licenses, permits, registrations, PII confidentiality, and public records requests. The Working Group played a key role in shaping a proposed bill that responds to the department's primary legal and operational concerns while aligning with FOAA principles and proven models used by other agencies.

The Working Group ultimately gave unanimous support to and remained focused on changes to MDIFW's authority by helping craft and review the proposed bill language that does the following:

1. **Strengthens privacy protections** around PII in hunting, fishing, trapping and recreational vehicle licensing systems and recreational vehicle accident reports.
2. **Clarifies what data is confidential vs. releasable**, for both recreational type license records and for commercial type license records.
3. **Expands ease of access to non-identifiable statistical data** by allowing InforME clear authority to charge a requestor from the public, reasonable fees for access to MDIFW records held within a database, while preventing the public release or misuse of PII.

The proposed bill language begins on [page 9](#).

Relevant Laws and Rules

[Title 1 Chapter 14](#)

[Title 12, §10110: Hunting and fishing license; confidential](#)

[Title 29-A Section 2251 Motor Vehicle Accident Report Law](#)

Proposed Bill Language Supported by Working Group:

Title 12, §10110: Hunting and fishing license; confidential

1. Indication of confidentiality. The commissioner shall allow an applicant for a hunting or fishing license to indicate that the applicant's e-mail address is confidential.

[PL 2011, c. 185, §1 (NEW).]

2. Confidential information. If a person indicates that the person's e-mail address submitted as part of the application process for a hunting or fishing license is confidential as provided in subsection 1, that information is confidential.

[PL 2011, c. 185, §1 (NEW).]

3. Exception. E-mails designated as confidential under this section are not confidential to department personnel or law enforcement officers or for purposes of court proceedings.

[PL 2011, c. 185, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 185, §1 (NEW).

Title 12 §10111. Records and databases related to department licenses, permits, registrations and applications

1. Definitions. For purposes of this section, the following terms have the following meanings.

A. **"Commercial Record"** means any record the department holds that is intended for business operations or that allows a person or entity to charge a fee for a product or service.

B. **"Data"** means information existing in an electronic medium and contained in a record database.

C. **"Non-commercial Record"** means any paper or electronic record including but not limited to a license, permit, registration, harvest record, and any application for these records the department holds that is not intended for business operations or that allows a person or entity to charge a fee for a product or service.

D. **"Personally identifiable information within a non-commercial record"** means: social security number, phone number, electronic mail, physical address, Maine Online Sportsmen's Electronic System (MOSES) identification number, date of birth, driver's license number, information contained in any free text data field and any other information contained in a data field that may be used to identify a person.

E. **"Personally identifiable information within a commercial record"** means: social security number, tax identification number, date of birth, driver's license number, Maine Online Sportsmen's Electronic System (MOSES) identification number, information contained in any free text data field and any other information contained in a data field that may be used to identify a person.

2. Individual Records Requests; Confidentiality of personally identifiable information on records.

If a person submits personally identifiable information as part of any record the department holds, that information is confidential as described within 1.D. and 1.E. of this section. This information may not be disclosed as part of a record request to anyone or for any purpose outside the department except for law enforcement purposes in accordance with Title 16 section 805-A, fish and wildlife management purposes, other state and federal government entities, or to the person or person's agent to whom the record is for.

3. Request for individual department records or records within a database. Data contained in a record database, whether individual or multiple records maintained, administered or contributed to by the Department of Inland Fisheries & Wildlife must be treated as follows:

A. Except as provided within sections 13106-E-2., 13157-D-2. and Title 16, section 805-A, subsection 1, the department may not publicly disseminate personally identifiable data as described within 1. D. and 1.E. of this sec. Such data is confidential for the purposes of Title 1, chapter 13.

B. The department may publicly disseminate non-personally identifiable data that is contained in a database and may provide copies of individual records and whole or partial databases of records to individuals, businesses and other entities.

4. Reasonable Fees. The department may charge reasonable fees for both individual record requests and database requests at the expense of the person making the request. The cost of furnishing a copy of the record is not subject to the limitations of Title 1, section 408-A.

§13106-B. Snowmobile accidents involving personal injury or death

The following provisions govern snowmobile accidents that result in personal injury or death of a person. [PL 2005, c. 436, §6 (NEW).]

1. Law enforcement officer notification. The operator of a snowmobile involved in an accident that results in personal injury or death of a person shall immediately report the accident, by the quickest means of communication, to the available law enforcement officer nearest to the place where the accident occurred.

A. The owner of a snowmobile who knows that that snowmobile was involved in an accident as described in this subsection shall report the accident as provided in this subsection if the operator of the snowmobile is unknown. [PL 2005, c. 436, §6 (NEW).]

[PL 2005, c. 436, §6 (NEW).]

2. Provide information to injured party. The operator or a person acting on behalf of the operator of a snowmobile involved in an accident shall provide to an injured person or the operator or an occupant of any other snowmobile involved in the accident:

A. The operator's name and address; and [PL 2005, c. 436, §6 (NEW).]

B. The registration number of the operator's snowmobile. [PL 2005, c. 436, §6 (NEW).]

[PL 2005, c. 436, §6 (NEW).]

3. Render assistance. The operator of a snowmobile involved in an accident shall render reasonable assistance to an injured person.

[PL 2005, c. 436, §6 (NEW).]

4. Penalties. A person who violates this section commits a Class E crime.

[PL 2005, c. 436, §6 (NEW).]

5. Aggravated punishment category. Notwithstanding subsection 4, a person who intentionally, knowingly or recklessly fails to comply with this section when the accident resulted in serious bodily injury, as defined in Title 17-A, section 2, subsection 23, or death, commits a Class C crime.

[PL 2005, c. 436, §6 (NEW).]

SECTION HISTORY

PL 2005, c. 436, §6 (NEW).

§13106-C. Snowmobile accident reports

1. Report requirements. A person shall give notice of a snowmobile accident within 72 hours to the commissioner on forms provided by the commissioner if the person is:

- A. The operator of a snowmobile involved in an accident that does not result in injuries requiring the services of a physician or in the death of a person but involves property damage estimated to cost \$1,000 or more; [PL 2005, c. 436, §6 (NEW).]
- B. A person acting for the operator of a snowmobile described in paragraph A; or [PL 2005, c. 436, §6 (NEW).]
- C. The owner of a snowmobile described in paragraph A having knowledge of the accident, if the operator of the snowmobile is unknown. [PL 2005, c. 436, §6 (NEW).]

[PL 2005, c. 436, §6 (NEW).]

2. Penalties. The following penalties apply to violations of this section.

- A. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [PL 2005, c. 436, §6 (NEW).]
- B. A person who violates this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [PL 2005, c. 436, §6 (NEW).]

[PL 2005, c. 436, §6 (NEW).]

SECTION HISTORY

PL 2005, c. 436, §6 (NEW).

§13106-D. Accidents involving property damage

1. Notification to property owner. The operator of a snowmobile involved in an accident that results in property damage shall take reasonable steps to notify the owner of that property of the accident.

[PL 2009, c. 340, §21 (NEW).]

2. Provide information to property owner. The operator of a snowmobile involved in an accident under subsection 1 shall, if the property owner is notified pursuant to subsection 1, provide to the property owner:

- A. The operator's name and address; [PL 2009, c. 340, §21 (NEW).]
- B. The registration number of the operator's snowmobile; and [PL 2009, c. 340, §21 (NEW).]
- C. An opportunity to examine the registration certificate if the owner so requests and the certificate is available. [PL 2009, c. 340, §21 (NEW).]

[PL 2009, c. 340, §21 (NEW).]

3. Penalties. A person who violates this section commits a Class E crime.

[PL 2009, c. 340, §21 (NEW).]

SECTION HISTORY

PL 2009, c. 340, §21 (NEW).

Title 12 §13106-E.

- 1. Report information.** An accident report made by a law enforcement officer or a report

made by an operator as required by subsection 2 is for the purposes of statistical analysis and accident prevention.

A report or statement contained in the accident report, or a report as required by section 13106-C, subsection 1., or a decision made as a result of that report, statement or testimony may not be admitted in evidence in any trial, civil or criminal, arising out of the accident.

A report may be admissible in evidence solely to prove compliance with this section.

Notwithstanding section 13106-C, the Colonel of the Warden Service may disclose the date, time and location of the accident and the names and addresses of operators, owners, injured persons, witnesses and the investigating officer. On written request, the colonel may furnish a photocopy of the investigating officer's report at the expense of the person making the request. The cost of furnishing a copy of the report is not subject to the limitations of Title 1, section 408-A.

2. 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 Inland Fisheries & Wildlife, Bureau of Warden Service 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) "Non-personally identifiable accident report data" means any data in an accident report that are not personally identifiable accident report data.
- (3) "Personally identifiable 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) An snowmobile registration 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 C, the Department of Inland Fisheries and Wildlife, Bureau of Warden Service may not publicly disseminate personally identifiable accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of Warden Service. Such data are not public records for the purposes of Title 1, chapter 13.

C. The Department of Inland Fisheries & Wildlife, Bureau of Warden Service may disseminate a snowmobile registration number contained in an accident report database maintained, administrated or contributed to by the Bureau of Warden Service to a person only if that person provides the Bureau of Warden Service an affidavit stating that the person will not:

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

D. The Department of Inland Fisheries & Wildlife, Bureau of Warden Service may publicly disseminate non-personally identifiable accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of Warden Service.

The cost of furnishing a copy of such data is not subject to the limitations of Title 1, section 408-A.

3. Violation. A person commits a Class E crime if that person:

- A. Is required to make an oral or written report and knowingly fails to do so within the time required;
- B. Is an operator involved in a reportable recreational vehicle accident and knowingly fails to give a correct name and address when requested by an officer at the scene;
- C. Is the operator involved in a reportable recreational vehicle accident or the owner of a vehicle involved in a reportable accident and knowingly fails to produce the vehicle or, if the vehicle is operational, return it to the scene when requested by the investigating officer; or
- D. Obtains a recreational vehicle registration number pursuant to subsection 2-C, and knowingly uses that vehicle registration number to identify or contact a person or knowingly disseminates that vehicle registration number to another person.

§13157-B. ATV accidents involving personal injury or death

1. Law enforcement officer notification. The operator of an ATV involved in an accident that results in personal injury or death of a person shall immediately report the accident, by the quickest

means of communication, to the available law enforcement officer nearest to the place where the accident occurred.

A. The owner of an ATV who knows that that ATV was involved in an accident as described in this subsection shall report the accident as provided in this subsection if the operator of the ATV is unknown. [PL 2005, c. 436, §8 (NEW).]

[PL 2005, c. 436, §8 (NEW).]

2. Provide information to injured party. The operator or a person acting on behalf of the operator of an ATV involved in an accident shall provide to an injured person or the operator or an occupant of any other ATV involved in the accident:

A. The operator's name and address; and [PL 2005, c. 436, §8 (NEW).]

B. The registration number of the operator's ATV. [PL 2005, c. 436, §8 (NEW).]

[PL 2005, c. 436, §8 (NEW).]

3. Render assistance. The operator of an ATV involved in an accident shall render reasonable assistance to an injured person.

[PL 2005, c. 436, §8 (NEW).]

4. Penalties. A person who violates this section commits a Class E crime.

[PL 2005, c. 436, §8 (NEW).]

5. Aggravated punishment category. Notwithstanding subsection 4, a person who intentionally, knowingly or recklessly fails to comply with this section when the accident resulted in serious bodily injury, as defined in Title 17-A, section 2, subsection 23, or death, commits a Class C crime.

[PL 2005, c. 436, §8 (NEW).]

SECTION HISTORY

PL 2005, c. 436, §8 (NEW).

§13157-C. ATV accident reports

1. Report requirements. A person shall give notice of an ATV accident within 72 hours to the commissioner on forms provided by the commissioner if the person is:

- A. The operator of an ATV involved in an accident that does not result in injuries requiring the services of a physician or in the death of a person but involves property damage estimated to cost \$1,000 or more; [PL 2005, c. 436, §8 (NEW).]
- B. A person acting for the operator of an ATV described in paragraph A; or [PL 2005, c. 436, §8 (NEW).]
- C. The owner of an ATV described in paragraph A having knowledge of the accident if the operator of the ATV is unknown. [PL 2005, c. 436, §8 (NEW).]

[PL 2005, c. 436, §8 (NEW).]

2. Penalties. The following penalties apply to violations of this section.

- A. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [PL 2005, c. 436, §8 (NEW).]
- B. A person who violates this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [PL 2005, c. 436, §8 (NEW).]

[PL 2005, c. 436, §8 (NEW).]

SECTION HISTORY

PL 2005, c. 436, §8 (NEW).

Title 12 §13157-D.

1. Report information. An accident report made by a law enforcement officer or a report made by an operator as required by section 13157-C is for the purposes of statistical analysis and accident prevention.

- A. A report or statement contained in the accident report, or a report as required by section 13157-C, subsection 1, or a decision made as a result of that report, statement or testimony may not be admitted in evidence in any trial, civil or criminal, arising out of the accident.
- B. A report may be admissible in evidence solely to prove compliance with this section.
- C. Notwithstanding this subsection, the colonel of the warden service may disclose the date, time and location of the accident and the names and addresses of operators, owners, injured persons, witnesses and the investigating officer. On written request, the colonel may furnish a photocopy of the investigating officer's report at the expense of the person making the request. The cost of furnishing a copy of the report is not subject to the limitations of Title 1, section 408-A.

2. Accident report database; public dissemination of accident report data. Data contained in an accident report database maintained, administered or contributed to by the department, Bureau of Warden Service 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) "Non-personally identifiable accident report data" means any data in an accident report that are not personally identifiable accident report data.

(3) "Personally identifiable 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) An ATV registration 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 C, the department, Bureau of Warden Service may not publicly disseminate personally identifiable accident report data that are contained in an accident report database maintained, administered or contributed to by the department. Such data are not public records for the purposes of Title 1, chapter 13.

C. The department, Bureau of Warden Service may disseminate an ATV registration number contained in an accident report database maintained, administered or contributed to by the Bureau of Warden Service to a person only if that person provides the Bureau of Warden Service an affidavit stating that the person will not:

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

D. The department, Bureau of Warden Service may publicly disseminate non-personally identifiable accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of Warden Service. The cost of furnishing a copy of such data is not subject to the limitations of Title 1, section 408-A.

BILL SUMMARY

This repeals a provision in Department of Inland Fisheries and Wildlife law that allowed an applicant for a hunting or fishing license to indicate that the applicant's e-mail address is confidential and that requires that information be held confidential by the agency. Instead, it creates a new section of law related to records held by the agency and databases the agency contributes to, related to department licenses, permits, registrations and applications. This new section also defines "data", "commercial record", "non-commercial record", "personally identifiable information within a non-commercial record", and "personally identifiable information within a commercial record".

There is more personally identifiable information (PII) held confidential for a non-commercial record than for a commercial record. For example, the phone number, e-mail address and physical address for a commercial record holder (such as a Guide license holder) would not be considered confidential but the same PII would be confidential for a non-commercial record holder (such as a person who has a hunting license which is a recreational/non-commercial license).

This bill lists exemptions to holding the PII confidential, which include for law enforcement purposes in accordance with Title 16 section 805-A, fish and wildlife management purposes, other state and federal government entities, or to the person or person's agent to whom the record is for.

It establishes that data contained in a record database, whether individual or multiple records maintained, administered or contributed to by the Department of Inland Fisheries & Wildlife, that is considered confidential may not be publicly disseminated.

It establishes that the department may publicly disseminate non-personally identifiable data that is contained in a database and may provide copies of individual records and whole or partial databases of records to individuals, businesses and other entities.

It establishes that the department may charge reasonable fees for both individual record requests and database requests at the expense of the person making the request. The cost of furnishing a copy of the record is not subject to the limitations of Title 1, §408-A: Public records available for inspection and copying.

In the recreational vehicle section of Title 12 it creates an ATV and snowmobile crash reporting system exemptions that mirror the DPS's exemption for motor vehicle crash report data that is held in the Maine Crash Report System, managed by InforME. These new subsections allow any non-personally identifiable ATV and snowmobile crash report data to be released to the public and the cost to process these data requests and release the records are not subject to the limitations of FOAA law within Title 1, section 408-A. These new subsections also create definitions for "data", non-personally identifiable accident report data", and "personally identifiable accident report data".

This also establishes that ATV and snowmobile accident reports or statements contained within have specific uses for law enforcement purposes and the agency can disseminate individual records or many records within records databases in accordance with this law. ATV and snowmobile registration numbers can only be released under an affidavit restricting their use and misuse of registration numbers or failure to comply with reporting obligations is a Class E crime.

Appendix 1. Legislative Resolve

The original bill was amended into a Resolve that required a Working Group be formed and do the following:

RESOLVE 2025 CHAPTER 37 – (LD 101) **Resolve, to Convene a Working Group to Examine the Classification of and Access to Public Records Maintained by Certain State Agencies**
(Effective: September 24th, 2025)

Sec. 1. Definitions. Resolved: That, as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. "Department" means the Department of Inland Fisheries and Wildlife (MDIFW).
2. "Right to Know Advisory Committee" means the Right to Know Advisory Committee (RTKAC) established under the Maine Revised Statutes, Title 1, section 411.

Sec. 2. Working group established. MDIFW, in consultation with the (RTKAC), shall convene a Working Group to examine the classification and accessibility of public records maintained by the state agencies identified in section 3 and the associated fees that may be charged for those public records, referred to in this resolve as "the Working Group." The department shall provide administrative support to the Working Group as needed.

Sec. 3. Working group members. The Working Group consists of the following members:

1. **One member from the department, appointed by the Commissioner of MDIFW, who serves as chair;**
2. Two members from the (RTKAC) who are not Legislators, one of whom must be the member appointed to represent law enforcement interests pursuant to, Title 1, section 411, subsection 2, paragraph F, appointed by the chair of the (RTKAC);
3. One member from the office of the Secretary of State, appointed by the Secretary of State;
4. One member from the Department of Marine Resources, appointed by the Commissioner of Marine Resources; and
5. One member from the Department of Public Safety, appointed by the Commissioner of Public Safety. The chair of the Working Group may appoint additional members as determined necessary by a majority of the Working Group's members. The Working Group shall consult with a representative from the Office of the Attorney General, designated by the Attorney General, to assist the Working Group in its deliberations as needed.

Sec. 4. Selection of members. No later than 30 days following the effective date of this resolve, the (RTKAC) and the state agencies identified in section 3 shall notify the department of the member or members selected for participation in the Working Group.

Sec. 5. Duties. The Working Group shall:

1. Determine the classification and accessibility of public records by:
 - A. Reviewing the current provisions of the Freedom of Access Act;
 - B. Determining which records in the possession of the state agencies identified in section 3 are subject to disclosure under the Freedom of Access Act and which records are not; and
 - C. Identifying categories of information that the state agencies identified in section 3 should have the ability to designate as confidential and not subject to public disclosure;
2. Evaluate fees for public records requests by:
 - A. Examining and recommending appropriate fees for processing large-scale requests for public records; and

- B. Considering a reasonable cost structure that balances public access with administrative burdens; and
- 3. Consider additional areas for review by identifying any other issues related to public records management, retention and disclosure as appropriate.

Sec. 6. Report. No later than January 14, 2026, the Working Group shall submit a report that includes the Working Group's findings and recommendations, including suggested legislation, to the Joint Standing Committee on Judiciary; the Joint Standing Committee on Inland Fisheries and Wildlife; the Joint Standing Committee on Marine Resources; and the Joint Standing Committee on Criminal Justice and Public Safety. Each committee that receives a report may report out a bill related to the report to the Second Regular Session of the 132nd Legislature.

Appendix II: Working Group Members:

Resolved: That the working group consists of the following members:

1. One member from the department, appointed by the Commissioner of Inland Fisheries and Wildlife, who serves as chair;

- **(Chair of Working Group) Game Warden Captain Josh Bubier, Maine Warden Service,**
- **Assistant to the Commissioner, Christl Theriault**
- **Office Specialist Maine Warden Service, "Cindy" Rego**

2. Two members from the Right to Know Advisory Committee who are not Legislators, one of whom must be the member appointed to represent law enforcement interests pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 2, paragraph F, appointed by the chair of the Right to Know Advisory Committee;

- **Right to Know Advisory Committee Member, Brian MacMaster** (Note: Mr. MacMaster ended his service on the RTKAC prior to the 3rd working group meeting)
- **OIT IT Consultant & Right to Know Advisory Committee Member, Eric Stout,**

3. One member from the office of the Secretary of State, appointed by the Secretary of State;

- **Deputy Secretary of State for Constituent Services and FOAA, Clare Davitt,**

4. One member from the Department of Marine Resources, appointed by the Commissioner of Marine Resources; and

- **Director of State Marine Policy, Deirdre Gilbert**
- **Director of Licensing and Registration, Cathy Fetterman**

5. One member from the Department of Public Safety, appointed by the Commissioner of Public Safety.

- **Department of Public Safety Counsel, Rebecca Graham**

6. **Judith Meyer, President Maine Freedom of Information Coalition**

The chair of the working group may appoint additional members as determined necessary by a majority of the working group's members. The working group shall consult with a representative from the Office of the Attorney General, designated by the Attorney General, to assist the working group in its deliberations as needed.

Appendix III: MDIFW Policy Section - Cost for Records

Requests that are not subject to the limitations of FOAA law in which the agency did not have explicit authority to create:

This is separate and aside from the \$25 per hour after the first two free hours of staff time per request that can be charged to cover the actual cost of searching for, retrieving and compiling the requested public record.

- **Lookup Cost for License, Permit or Registration Records:** Requests to look up a license, permit or registration record(s) whether it is provided electronically or in hard copy either notarized or not shall be provided at a cost of \$5.00 per a lookup.
- **Cost for Lists of Names, Address, City, State, and Zip Code in Electronic Format:**
 - Requests for electronic copies for one time use by individuals or organizations shall be provided at a cost of (\$.03) cents per name, plus the cost of the electronic media used, up to a maximum charge of \$1,500. A minimum charge of \$25.00 will be applied to each request.
 - Requests for electronic copies for reuse or sale by individuals or organizations shall be provided at a cost of (\$.05) cents per name, plus the cost of the electronic media used. A minimum charge of \$25.00 will be applied to each request.
- **Cost for Warden Service-Related Crash Records:**
 - Examples include requests for crash reports, the investigation records relating to the crash and / or Boat Accident Report Database reports if they are available. There shall be a \$10.00 fee assessed to provide this information whether it is in electronic or hard copy and no additional cost for hard copies shall be assessed.
 - If the person states that they are making a FOAA request or they ask for additional information such as witness statements, photographs, notes, communication relating to the crash or other records this shall be considered a FOAA. After the first two free hours the \$25 per an hour charge will be assessed. If hard copies are requested an additional charge of ten cents (\$.10) per a copy shall be charged.
- **Cost for CDs, DVDs, Flash Drives or Other Means to Transfer Electronic Records to a Requester:** The cost of CDs, DVDs and Flash drives shall be in addition to other costs related to the search and compilation of records. CDs shall cost \$2.00 each, DVDs shall cost \$2.00 each, and the actual cost of a flash drive shall be added to the invoice because there are varying needs for storage amounts depending on the amount of records to be provided electronically.

Appendix IV: Maine Crash Reporting System Website

MAINE CRASH REPORTING WEBSITE

Maine.gov A secure, online service provided by the Department of Public Safety - Maine State Police

Maine Crash Reporting

SERVICE INFORMATION FAQ Code Sheet Search Tips Bulk Data Request	CRASH REPORTS Search: FREE Order: \$10 (Per Report)	SERVICE FEES RELATED SERVICES Rapid Renewal Public Criminal Records Sex Offender Registry SUBSCRIBER SERVICES* Driving Records Search Title Records Search Vehicle Registration Records Search <small>*Access for InforME Subscriber Account holders only. For details, use the link below.</small> InforME Subscriber Account Information	<p>Welcome to the Maine Crash Reporting Online Search & Ordering Service</p> <p>Search and request crash reports online from the Maine State Police Crash Database. You can search by name, date of birth, crash location, crash date, or investigating agency (police department).</p> <p>To use this service, you will need:</p> <ul style="list-style-type: none">The name & date of birth of an individual on the crash reportA credit card (Mastercard, Visa or Discover) or subscription with InforME (for orders only)Adobe Reader software <p>If no matches are found for your search, you will not be charged. If reports are found matching your search criteria, you will have the option to request one or more, with a credit card payment or subscription to InforME. Each report costs \$10.00. The report(s) will be sent to you via email. Most reports will be sent within two hours of your order.</p> <p>If your crash occurred prior to 2003, the report may not be in the database. If no match is found for a pre-2003 crash, you need to submit a request the Maine State Police Traffic Division for a manual search. The fee to submit a manual search is \$10.00, this fee is non refundable. If a matching report is found, it will be sent to you through regular US mail, fax, or email.</p> <p>This application is designed to provide a State of Maine Traffic Crash Report. The report captures many details of the incident, it is important to note that there may be additional reports pertaining to this incident on file with the investigating law enforcement agency. These reports may include officer narratives, witness statements, photographs or other recordings. You should contact the investigating agency directly to inquire about the existence and availability of these reports.</p> <p>GET STARTED NOW: Go</p> <p>Questions about this Service? Contact Maine State Police Traffic Division at (207)624-8944 or Email: mcrs_response@maine.gov</p>	REQUIRED SOFTWARE  You will need Adobe Reader to view or print a crash report (PDF). Test your software	SUBSCRIBER INFORMATION  Discover the benefits of an InforME Subscription Account Subscribe Now
Credits  Copyright © 2017 All rights reserved.	Information Technical Assistance Maine State Police Home Maine.gov Privacy	Transaction Security 			