

Right to Know Advisory Committee
Public Records Exceptions Subcommittee
September 11, 2013
Meeting Summary

Convened 2:00 p.m., Room 438, State House, Augusta

Present:

Suzanne Goucher, Chair
MaryAnn Lynch
Linda Pistner

Staff:

Peggy Reinsch
Colleen McCarthy Reid

Introductions

Suzanne Goucher, Subcommittee chair, called the meeting to order and asked all the members to introduce themselves.

Review of Sentinel Events Exception—Title 22, section 8754

3: 22 MRSA §8754

The Subcommittee agreed to table discussion of this exception to the next meeting. After reviewing the background information from prior subcommittee discussions, the members asked for several examples of statutory language from other state laws which protect the confidentiality of sentinel event reports and which provide for public disclosure of that information. Staff will request that the Advisory Committee's Extern, Stephen Wagner, provide that information. Staff will also provide an outline of the quality data already publicly reported by Maine hospitals and links to websites that consumers can use to review that information.

Review of Exceptions Addressed in LD 420, An Act to Implement the Recommendations of the Right to Know Advisory Committee Concerning Public Records Exceptions

The Subcommittee reviewed all of the exceptions addressed in LD 420. LD 420 proposed to implement all of the recommendations of the Right to Know Advisory Committee to amend or repeal public records exceptions reviewed in 2012. Because LD 420 was voted ONTP by the Judiciary Committee, the exceptions are back on the Subcommittee's agenda for 2013. The Subcommittee made the following recommendations on the exceptions included in LD 420.

1 and 2: 22 MRSA §1696-D and § 1696-F, related to the Community Right-to-Know Act

The Subcommittee tabled discussion of these exceptions to the next meeting. Staff will ask representatives of the Department of Health and Human Services for more information about why the provisions have not been implemented.

4: 26 MRSA § 3, relating to information, reports and records of the Director of Labor Standards within the Department of Labor

The Subcommittee voted 3-0 to amend the provision as proposed in LD 420.

5: 26 MRSA § 934, relating to report of the State Board of Arbitration and Conciliation in labor dispute

The Subcommittee voted 3-0 to amend the provision as proposed in LD 420.

7: 29-A MRSA § 152, subsection 3, relating to the Secretary of State's data processing information files concerning motor vehicles

The Subcommittee voted 3-0 to amend the provision as proposed in LD 420.

8: 29-A MRSA § 257, relating to the Secretary of State's motor vehicle information technology system

The Subcommittee voted 3-0 to amend the provision as proposed in LD 420.

9: 29-A MRSA § 517, sub-§ 4, relating to motor vehicle records concerning unmarked law enforcement vehicles

The Subcommittee voted 3-0 to amend the provision as proposed in LD 420.

28: 38 MRSA § 585-B, sub-§6, ¶ C, relating to mercury reduction plans for air emission source emitting mercury

The Subcommittee voted 3-0 to repeal the provision as proposed in LD 420.

29: 38 MRSA § 585-C, sub-§2, relating to the hazardous air pollutant emissions inventory

The Subcommittee voted 3-0 to repeal the provision as proposed in LD 420.

Review of Existing Exceptions in Titles 26 through 39-A

The Subcommittee began its review of 27 exceptions tabled by the Subcommittee in 2012; the previous Subcommittee did not make any recommendation with regard to any of these exceptions.

6: 28-A MRSA § 755, relating to liquor licensees' business and financial records

The Subcommittee voted 3-0 to table this provision. This exception was previously tabled by the Subcommittee in 2012 because legislation was expected to address the issue during the 126th Legislature's First Regular Session. As the provision was not addressed in legislation, the Subcommittee will request that the Bureau of Alcoholic Beverages and Lottery Operations prepare an updated questionnaire for the next meeting.

10: 30-A MRSA §503, sub-§1-A, relating to county personnel records concerning the use of force

The Subcommittee voted 3-0 to keep the provision as is.

11: 30-A MRSA § 2702, sub-§ 1-A, relating to municipal personnel records concerning the use of force

The Subcommittee voted 3-0 to keep the provision as is.

12: 32 MRSA § 2599, relating to medical staff reviews and hospital reviews—osteopathic physicians

The Subcommittee voted 3-0 to keep the provision as is.

13: 32MRSA § 3296, relating to Board of Licensure in Medicine medical review committees

The Subcommittee voted 3-0 to keep the provision as is.

14: 32 § 13006, relating to real estate grievance and professional standards committee hearings

The Subcommittee voted 3-0 to keep the provision as is.

15: 32 § 16607, sub-§ 2, relating to records obtained or filed under the Maine Securities Act

The Subcommittee voted 3-0 to keep the provision as is.

16: 34-A MRSA § 5210, sub-§ 4, relating to liquor licensees' business and financial records

The Subcommittee voted 3-0 to table this provision relating to the State Parole Board report to the Governor. Staff will seek more information from the Department of Corrections about the number of persons subject to the parole provisions.

17: 35-A MRSA § 1311-B, relating to relating to public utility technical operations information

The Subcommittee voted 3-0 to keep the provision as is.

18: 35-A MRSA § 1316-A, relating to Public Utilities Commission communications concerning utility violations

The Subcommittee voted 3-0 to keep the provision as is.

Future Meetings

The Subcommittee agreed to meet next on Wednesday, September 25, 2013, at 1:00 p.m. The agenda will include discussion of the tabled items (*chart 1 to 3, 6 and 16*) and initial discussion of the remaining exceptions (*chart 19 to 27, 30 to 39*).

Ms. Goucher adjourned the meeting at 3:00 p.m.

Respectfully submitted,
Peggy Reinsch and Colleen McCarthy Reid