

Right to Know Advisory Committee
Public Records Exceptions Subcommittee
October 6, 2015
Meeting Summary

Convened 10:23 a.m., Room 438, State House, Augusta

Present:

Sen. Burns
Rep. Monaghan
Luke Rossignol
Linda Pistner

Staff:

Craig Nale
Henry Fouts

Introductions

The meeting was called to order and all members introduced themselves.

Election of Chair

Sen. Burns nominated Rep. Monaghan as Chair of the Subcommittee, which motion was seconded by Ms. Pistner and unanimously approved by all those present.

Public records exceptions review discussion

Staff reviewed the statutory review criteria with the group, as well as the review process generally. Staff had identified the relevant statutory provisions up for review by the end of 2016. Surveys were sent to the public bodies involved in administering each exception, and the results of completed surveys were brought to the group for its consideration and discussion. Agency representatives were invited to attend in person.

During this meeting the Subcommittee focused on public records exceptions concerning the Gambling Control Board (within the Department of Public Safety), as well as on various provisions concerning the Department of Agriculture, Conservation and Forestry and the Department of Inland Fisheries and Wildlife.

The Subcommittee reviewed agency survey results and input and discussed each of the following items, without taking a formal vote on any recommendation. These tabled items will be addressed in subsequent meetings.

(Note: Reference numbers below refer to the spreadsheet of public records exceptions created by staff and distributed at this meeting. Copies of the spreadsheet are available on the Right to Know Advisory Committee website or upon request.)

Ref# 20 - 27: 8 MRSA §1006, sub-§1, ¶¶A-H

Mr. Rossignol suggested approving the status quo with respect to this item, given the review criteria and the recommendation of the Gambling Control Board. Ms. Pistner noted the tension in this suitability determinations vis-a-vis the public rights – this is a broad confidentiality provision as a practical matter. The devil is in the details when the provision is applied document to document. It was noted that these exceptions are also very important to third parties that are submitting this information.

Sen. Burns expressed concerns about the payback percentages provision, wondering if there was any public right to this information, beyond the proprietary information. Does the consumer have the right to know the general payback percentage? What is the casino obligation in this regard?

Ms. Pistner noted that there are extensive rules governing gambling and machine paybacks. The public can be certain about a minimum payback percentage, but casinos may increase payback percentages beyond this.

The Subcommittee agreed to invite Mr. Fleming of the Gambling Control Board to come help answer some of these questions.

These items were tabled.

Ref# 28: 8 MRSA §1006, sub-§3

The Subcommittee also wished to get more information from Mr. Fleming on this item. Additionally, members expressed interest in hearing from casino industry representatives since this, and other Gambling Control Board items, deal mostly with information gained from these third parties.

This item was tabled.

Ref# 29: 8 MRSA §1006, sub-§4

The Subcommittee also wished for more clarification from Mr. Fleming on this Gambling Control Board provision.

This item was tabled.

Ref# 30: 8 MRSA §1007, sub-§2

Another Gambling Control Board provision - it was noted that without this provision it is unlikely that other jurisdictions would share information with the Board.

This item was tabled.

Ref# 31 & 32: 8 MRSA §§1008, 1052

After brief discussion, this item affecting documents within the control of the Gambling Control Board was tabled.

Ref# 35: 12 MRSA §8005, sub-§1 (Dept. of Agriculture, Conservation and Forestry)

The Subcommittee wished to reach out to stakeholders affected by this landowner privacy provision before making a decision on this item.

This item was tabled.

Ref# 36: 12 MRSA §8005, sub-§1 (Dept. of Inland Fisheries and Wildlife)

After brief discussion, this item relating to forest management plans was tabled.

Ref# 37: 12 MRSA §8005, sub-§4

Rep. Monaghan remarked that she saw no issues with continuing this public records exception relating to information held by the Maine Forest Service.

After brief discussion, this item was tabled.

Ref# 38: 12 MRSA §10110

Members noted feelings of general support for continuation of confidentiality for certain fishing records, but that more discussion would be needed. There was a request for clarification on how a member of the public signified their wish for the Department of Inland Fisheries and Wildlife to keep their address confidential – is it an opt-in or opt-out type system?

Ref# 39: 12 MRSA §12551-A, sub-§10

After brief discussion, this item relating to email addresses held by the Department of Inland Fisheries and Wildlife was tabled.

Adjournment

Rep. Monaghan adjourned the meeting at 11:43 a.m.