APPENDIX A

Authorizing Legislation
Resolve 2003, Chapter 83

CHAPTER 83
H.P. 797 - L.D. 1079

Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws

Sec. 1. Committee established. Resolved: That the Committee to Study Compliance with Maine's Freedom of Access Laws, referred to in this resolve as "the committee," is established; and be it further

Sec. 2. Committee membership. Resolved: That the committee consists of 16 members appointed as follows:

1. One member of the Senate, appointed by the President of the Senate;

2. One member of the House of Representatives, appointed by the Speaker of the House;

3. One member representing the Maine Press Association, appointed by the President of the Senate;

4. One member representing the Maine Daily Newspapers Publishers Association, appointed by the Speaker of the House;

5. One member representing the Maine Municipal Association, appointed by the Governor;

6. One member representing the Maine Chiefs of Police Association, appointed by the Governor;

7. One member representing the Maine School Management Association, appointed by the Governor;

8. The Attorney General, or the Attorney General's designee;

9. One member representing the Maine Association of Broadcasters, appointed by the President of the Senate;

10. One member representing the Maine Freedom of Information Coalition, appointed by the Speaker of the House;

11. The Commissioner of Public Safety, or the commissioner's designee;

12. One member representing county commissioners, appointed by the President of the Senate;

13. One member representing the Maine Sheriffs' Association, appointed by the President of the Senate;

14. One member representing persons whose privacy interests are protected by the freedom of access laws, appointed by the President of the Senate;

15. One member of the public, appointed by the President of the Senate; and

16. One member of the public, appointed by the Speaker of the House; and be it further

Sec. 3. Appointments; cochairs. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The legislative members named to the committee shall serve as cochairs. When the appointment of all members is completed, the cochairs of the committee shall call and convene the first meeting of the committee no later than 15 days after the last member is appointed; and be it further

Sec. 4. Committee duties. Resolved: That the committee shall meet not more than 4 times to study state and local governmental compliance with Maine's freedom of access laws and other issues relating to citizens' access to public records and public proceedings. In examining these issues, the committee shall:

1. Review and analyze the Report on Public Records Audit, prepared by the Maine Freedom of Information Coalition in November 2002, and the recommendations made in the report;

2. Study what measures, if any, state and local governmental entities in Maine and in other states have taken to ensure their employees are knowledgeable about and comply with Maine's freedom of access laws or other comparable state laws;

3. Investigate and recommend ways in which governmental compliance with Maine's freedom of access laws may be meaningfully improved and calculate what, if any, costs may be associated with making such improvements;

4. Undertake a comprehensive inventory and review of the various exceptions to public access to records and proceedings found within the freedom of access laws and identify possible changes to these exceptions in order to streamline Maine law and thereby make it more easily understood and complied with by governmental employees;

5. Reconsider whether the need for any of the statutory exceptions, as currently worded, is outweighed by the State's general interest in ensuring citizens' access to public records and proceedings; and

6. Study whether and to what extent the freedom of access laws may be used as a harassment tool against local governmental entities and what remedies may be available and appropriate to deter any such harassment; and be it further

Sec. 5. Staff assistance. Resolved: That upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee; and be it further

Sec. 6. Reimbursement. Resolved: That legislative members of the committee are entitled to receive legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal

to the legislative per diem for their attendance at authorized meetings of the committee; and be it further

Sec. 7. Funding. Resolved: That the committee may seek outside funds to advance its work. Prompt notice of solicitation of funds must be sent to the Legislative Council. Contributions to support the work of the committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. Such certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose and any limitation on the use of the funds. The Executive Director of the Legislative Council administers any funds received; and be it further

Sec. 8. Committee budget. Resolved: That the cochairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget; and be it further

Sec. 9. Report. Resolved: That the committee shall submit a report that includes its findings and recommendations including suggested legislation for presentation to the Joint Standing Committee on Judiciary and the Legislative Council by December 3, 2003. Following receipt and review of the report, the Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 121st Legislature to implement the committee's recommendations. If the committee requires a limited extension of time to conclude its study and to make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 10. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE
Committee to Study Compliance
with Maine's Freedom of Access Laws

Initiative: Provides a base allocation of Other Special Revenue funds to authorize expenditures from this dedicated account.

Other Special Revenue Funds	**2003-04**	**2004-05**
All Other	$500	$0
Other Special Revenue Funds Total	$500	$0

Effective September 13, 2003, unless otherwise indicated.

121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document **No. 1079**

H.P. 797 House of Representatives, March 4, 2003

Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KOFFMAN of Bar Harbor.
Cosponsored by Senator ROTUNDO of Androscoggin and
Representatives: BLISS of South Portland, BUNKER of Kossuth Township, Speaker COLWELL of Gardiner, DUPLESSIE of Westbrook, FAIRCLOTH of Bangor, FISCHER of Presque Isle, LEMOINE of Old Orchard Beach, McLAUGHLIN of Cape Elizabeth.

Printed on recycled paper

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, access to public records and public proceedings by the people is essential to successful democracy, and the freedom of access to the public records and proceedings is governed by the Maine Revised Statutes, Title 1, sections 401 to 410; and

Whereas, a study done in 2002 revealed that citizens' access to public records is often restricted in contravention of law; and

Whereas, citizens would benefit from an immediate comprehensive study of issues relating to state and municipal compliance with the freedom of access laws and to ensuring complete compliance with the laws; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Committee established. Resolved: That the Committee to Study Compliance with Maine's Freedom of Access laws, referred to in this resolve as "the committee," is established; and be it further

Sec. 2. Committee membership. Resolved: That the committee consists of 12 members appointed as follows:

1. One member of the Senate, appointed by the President of the Senate;

2. One member of the House of Representatives, appointed by the Speaker of the House;

3. One member representing the Maine Press Association, appointed by the President of the Senate;

4. One member representing the Maine Daily Newspapers Publishers Association, appointed by the Speaker of the House;

5. One member representing the Maine Municipal Association, appointed by the Governor;

6. One member representing the Maine Chiefs of Police Association, appointed by the Governor;

7. One member representing the Maine School Management Association, appointed by the Governor;

8. The Attorney General, or the Attorney General's designee;

9. One member representing the Maine Association of Broadcasters, appointed by the President of the Senate;

10. One member representing the Maine Freedom of Information Coalition, appointed by the Speaker of the House;

11. One member of the public, appointed by the President of the Senate; and

12. One member of the public, appointed by the Speaker of the House; and be it further

Sec. 3. Appointments: cochairs. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The legislative members named to the committee shall serve as cochairs. When the appointment of all members is completed, the cochairs of the committee shall call and convene the first meeting of the committee no later than 15 days after the last member is appointed; and be it further

Sec. 4. Committee duties. Resolved: That the committee shall meet not more than 4 times to study state and local governmental compliance with Maine's freedom of access laws and other issues relating to citizens' access to public records and public proceedings. In examining these issues, the committee shall:

1. Review and analyze the Report on Public Records Audit, prepared by the Maine Freedom of Information Coalition in November 2002, and the recommendations made in the report;

2. Study what measures, if any, state and local governmental entities in Maine and in other states have taken to ensure their employees are knowledgeable about and comply with Maine's freedom of access laws or other comparable state laws;

3. Investigate and recommend ways in which governmental compliance with Maine's freedom of access laws may be meaningfully improved and calculate what, if any, costs may be associated with making such improvements;

4. Undertake a comprehensive inventory and review of the various exceptions to public access to records and proceedings

found within the freedom of access laws and identify possible changes to these exceptions in order to streamline Maine law and thereby make it more easily understood and complied with by governmental employees; and

5. Reconsider whether the need for any of the statutory exceptions, as currently worded, is outweighed by the State's general interest in ensuring citizens' access to public records and proceedings; and be it further

Sec. 5. Staff assistance. Resolved: That upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee; and be it further

Sec. 6. Reimbursement. Resolved: That legislative members of the committee are entitled to receive legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the committee; and be it further

Sec. 7. Committee budget. Resolved: That the cochairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget; and be it further

Sec. 8. Report. Resolved: That the committee shall submit a report that includes its findings and recommendations including suggested legislation for presentation to the Joint Standing Committee on Judiciary and the Legislative Council by December 15, 2003. Following receipt and review of the report, the Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 121st Legislature to implement the committee's recommendations. If the committee requires a limited extension of time to conclude its study and to make its report, it may apply to the Legislative Council, which may grant the extension.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

SUMMARY

This resolve establishes the Committee to Study Compliance with Maine's Freedom of Access Laws, consisting of Legislators, municipal officials, media representatives, the Attorney General and members of the public to address issues relating to state and governmental compliance with Maine's freedom of access laws. The study committee is required to issue a report to the Joint Standing Committee on Judiciary, including findings and recommendations, by December 15, 2003.

R. of S.

L.D. 1079

DATE: 5-12-03 (Filing No. H-326)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 797, L.D. 1079, "Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws"

Amend the resolve in the emergency preamble by striking out all of the 3rd paragraph (page 1, lines 10 and 11 in L.D.) and inserting in its place the following:

'**Whereas,** a study by the Maine Freedom of Information Coalition done in 2002 revealed evidence that suggested that citizens' access to public records is often restricted in contravention of law; and'

Further amend the resolve in section 1 in the 2nd line (page 1, line 25 in L.D.) by striking out the following: "laws" and inserting in its place the following: 'Laws'

Further amend the resolve in section 2 in the first paragraph in the 2nd line (page 1, line 30 in L.D.) by striking out the following: "12" and inserting in its place the following: '16'

Further amend the resolve in section 2 by inserting after subsection 10 the following:

'11. The Commissioner of Public Safety, or the commissioner's designee;

12. One member representing county commissioners, appointed by the President of the Senate;

13. One member representing the Maine Sheriffs' Association, appointed by the President of the Senate;

14. One member representing persons whose privacy interests are protected by the freedom of access laws, appointed by the President of the Senate;'

Further amend the resolve in section 2 by renumbering the subsections to read consecutively.

Further amend the resolve in section 4 in subsection 4 in the last line (page 3, line 4 in L.D.) by striking out the following: "and"

Further amend the resolve in section 4 in subsection 5 in the last line (page 3, line 9 in L.D.) by striking out the following: "be it further"

Further amend the resolve in section 4 by inserting after subsection 5 the following:

'6. Study whether and to what extent the freedom of access laws may be used as a harassment tool against local governmental entities and what remedies may be available and appropriate to deter any such harassment; and be it further'

Further amend the resolve by inserting after section 6 the following:

'**Sec. 7. Funding. Resolved:** That the committee may seek and accept outside funds to advance its work. Prompt notice of solicitation and acceptance of funds must be sent to the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose and any limitation on the use of the funds. The Executive Director of the Legislative Council administers any funds received; and be it further'

Further amend the resolve in section 8 in the last line (page 3, line 46 in L.D.) by striking out the following: "extension." and inserting in its place the following: 'extension; and be it further'

Further amend the resolve by inserting after section 8 the following:

'**Sec. 9. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

LEGISLATURE

Committee to Study Compliance with Maine's Freedom of Access Laws

Initiative: Provides a base allocation of Other Special Revenue funds to authorize expenditures from this dedicated account.

Other Special Revenue Funds	**2003-04**	**2004-05**
All Other	$500	$0
Other Special Revenue Funds Total	$500	$0'

Further amend the resolve by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment clarifies the emergency preamble, expands the membership of the Committee to Study Compliance with Maine's Freedom of Access Laws, expands the duties of the study committee and authorizes the study committee to seek and accept outside funding.

The emergency preamble is revised to clarify that the study on freedom of access laws compliance was conducted by the Maine Freedom of Information Coalition. The language is also clarified to provide that the study revealed evidence that suggested that citizens' access to public records is often restricted in contravention of law.

The membership of the study committee is expanded by 4 for a total of 16 members. Added to the membership are the Commissioner of Public Safety or the commissioner's designee, representatives of county commissioners and the Maine Sheriffs' Association and a representative of persons whose privacy interests are protected by the freedom of access laws.

The duties of the study committee are expanded to include studying whether and to what extent the freedom of access laws may be used as a harassment tool against local governmental entities and what remedies may be available and appropriate to deter such harassment.

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 797, L.D. 1079

This amendment provides that the study committee may seek and accept outside funding.

FISCAL NOTE REQUIRED
(See attached)

Approved: 04/13/03 mac

121st Maine Legislature
Office of Fiscal and Program Review

LD 1079

Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws

LR 0881(02)
Fiscal Note for Bill as Amended by Committee Amendment " "
Committee: Judiciary
Fiscal Note Required: Yes

Fiscal Note

Current Costs - Legislative Study

	2003-04	2004-05	Projections 2005-06	Projections 2005-06
Appropriations/Allocations				
Other Special Revenue Funds	$500	$0	$0	$0

Legislative Study

The projected costs to fund the general operating expenses of this study are $4,480 in fiscal year 2003-04. Authorizing the committee to accept funds from other sources may result in the collection of Other Special Revenue funds in fiscal year 2003-04. A base allocation of Other Special Revenue funds in the amount of $500 is included to authorize expenditures from this dedicated account. The Legislature has budgeted $30,000 in fiscal year 2003-04 for legislative studies. Whether that amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. Costs associated with serving on the committee can be absorbed by the Department of the Attorney General and the Department of Public Safety utilizing existing budgeted resources.

L.D. 1079

DATE: 6-12-03 (Filing No. S-280)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 797, L.D. 1079, "Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws"

Amend the amendment by striking out all of section 7 (page 2, lines 30 to 39 in amendment) and inserting in its place the following:

'**Sec. 7. Funding. Resolved:** That the committee may seek outside funds to advance its work. Prompt notice of solicitation of funds must be sent to the Legislative Council. Contributions to support the work of the committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. Such certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose and any limitation on the use of the funds. The Executive Director of the Legislative Council administers any funds received; and be it further'

Further amend the amendment on page 2, by inserting after section 7 the following:

'Further amend the resolve in section 8 in the 4th and 5th lines (page 3, lines 39 and 40 in L.D.) by striking out the following: "December 15, 2003" and inserting in its place the following: 'December 3, 2003' '

SENATE AMENDMENT

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 797, L.D. 1079

SUMMARY

This amendment forbids the acceptance of funding for the Committee to Study Compliance with Maine's Freedom of Access Laws from any party having a pecuniary or vested interest in the outcome.

The amendment also changes the report date to December 3, 2003.

SPONSORED BY: _____
(Senator GAGNON)

COUNTY: Kennebec

L.D. 1079

DATE: 6/13/03 (Filing No. H-592)

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 797, L.D. 1079, "Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws"

Amend the amendment by striking out all of the first 2 indented paragraphs (page 1, lines 23 to 30 in amendment) and inserting in their place the following:

'Amend the resolve by striking out all of the emergency preamble.'

Further amend the amendment by inserting after section 9 the following:

'Further amend the resolve by striking out all of the emergency clause.'

SUMMARY

This amendment removes the emergency preamble and the emergency clause from the resolve.

SPONSORED BY: _____
(Representative KOFFMAN)

TOWN: Bar Harbor

HOUSE AMENDMENT

APPENDIX B

Membership list
Committee to Study Compliance with Maine's Freedom of Access Laws

COMMITTEE TO STUDY COMPLIANCE WITH MAINE'S FREEDOM OF ACCESS LAWS

Resolve 2003, Ch. 83

As Of Tuesday, January 20, 2004

Appointment(s) by the Governor

Richard P. Flewelling 60 Community Drive Augusta, ME 04330	Representing Maine Municipal Association
Harry R. Pringle 245 Commercial Street Portland, ME 04101	Representing Maine School Management Association
Robert Schwartz Executive Director Maine Chief's of Police Association	Representing Maine Chiefs of Police Association

Appointment(s) by the President

Sen. Margaret Rotundo 446 College Street Lewiston, ME. 04240 (207)-784-3259	**Chair**	
Fred Bever PO Box 1628 Portland, ME 04104		Representing the Maine Association of Broadcasters
Todd Brackett PO Box 611 42 Bath Road Wiscasset, ME 04578		Representing the Maine Sheriff's Association
Esther Clenott 107 Macworth Street Portland, ME 04103		Representing County Commissioners
Jeff Ham 26 Elmwood Road Cape Elizabeth, ME 04107		Representing the Maine Press Association
Jess Knox 57 Gleckler Road Portland, ME 04103		Representing Those Whose Privacy Interest are Protected by FOA Laws
Elizabeth Prata 4 Brown Street Gray, ME 04039		Representing the Public

Appointment(s) by the Speaker

Rep. Theodore Koffman 168 Mill Brook Road Bar Harbor, ME. 04609 (207)-288-8930	**Chair**	
Mal Leary Capitol News Service 17 Pike Street Augusta, ME 04330		Representing the Maine Freedom of Information Coalition

Judy Meyer
Lewiston Sun Journal
PO Box 4400
Lewiston, ME 04243-4400

Representing the Maine Daily Newspapers Publishers Association

Chris Spruce
1011 Happytown Road
Ellsworth, ME 04605

Representing the Public

Attorney General

Linda Pistner
Chief Deputy Attorney General
6 State House Station
Augusta, ME 04333
(207)-626-8800

Representing the Attorney General - Designee

Commissioner, Department of Public Safety

Steve McCausland
Public Information Officer - Dept of Public
104 State House Station
Augusta, ME 04333
(207)-624-7000

Representing the Department of Public Safety

Staff:Peggy Reinsch, OPLA, 287-1670
Lisa Baldwin, OPLA, 287-1670

APPENDIX C

Recommended legislation

ASSISTANCE FOR CITIZENS AND PUBLIC OFFICIALS

1 MRSA §411 is enacted to read:

§411. Public access assistance

1. Resource. The Department of the Attorney General shall serve as a resource to assist the public in accessing public proceedings and to ensure compliance with this subchapter.

A. The Attorney General shall provide advice to entities covered by this subchapter to ensure their compliance with this subchapter.

B. The Attorney General shall provide assistance in resolving disputes concerning access to public proceedings.

C. The Attorney General shall provide advice to members of the public who seek access to public proceedings.

2. Public information. The Department of the Attorney General shall provide resources for the public that explain the Freedom of Access laws, the responsibilities of entities covered by the laws, the rights of the public provided by the laws, and useful means for the public to exercise those rights in productive ways that encourage cooperation among the public and the entities created to serve the public.

3. Report. The Department of the Attorney General shall keep a record of requests for assistance and advice from members of the public and entities covered by this subchapter. The Attorney General shall track the results of the assistance and advice provided and the training and outreach efforts made by the office. The Attorney General shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15th of each year describing the assistance and advice provided, the training and outreach efforts, and the results. The report may include recommendations for changes in statutes, rules or procedures.

5 MRSA §195-A is enacted to read:

§195-A. Public access assistance

The Department of the Attorney General shall provide public access assistance as required under Title 1, section 411.

SUMMARY

The Attorney General is directed to serve as a resource to both the public seeking access to public meetings and records and to entities covered by the Freedom of Access laws. The Attorney General shall respond to inquiries and complaints, and advise state and local agencies to ensure compliance with the laws.

The Attorney General will collect information about compliance and public access assistance and report to the joint standing committee of the Legislature having jurisdiction over judiciary matters, and may suggest changes in statutes, rules and procedures.

COST OF REPRODUCTION AND SEARCHES OF PUBLIC RECORDS and TIMEFRAME FOR PUBLIC OFFICIALS' RESPONSE

1 MRSA §408 is repealed and the following enacted in its place:

§408. Public records available for public inspection and copying

1. Right to inspect and copy. Except as otherwise provided by statute, every person has the right to inspect and copy any public record during the regular business hours of the custodian or location of such record within a reasonable period of time of making the request to inspect or copy the record.

2. Inspection, translation and copying scheduled. Inspection and copying may be scheduled to occur at such time as will not delay or inconvenience the regular activities of the agency or official having custody of the record sought.

A. If inspection cannot be accomplished without translation of mechanical or electronic data compilations into some other form, the official or agency shall schedule the translation and inspection or copying to occur at such time as will not delay or inconvenience the regular activities of the agency or official having custody of the record sought.

B. If translation is necessary, the person desiring inspection may be required to pay the agency or official having custody of the record in advance the actual cost of translation.

3. Payment of costs. Except as otherwise specifically provided by statute or court order, the agency or official having custody of the public record may charge the following fees.

A. The agency or official may charge a fee to cover the cost of copying of not more than $0.20 per page for paper that is 8 ½ inches by 11 inches or 8 ½ inches by 14 inches.

B. The agency or official may charge a reasonable fee not to exceed the cost incurred for copies in a format other than paper copies covered by paragraph A.

C. The agency or official may charge a fee to cover the cost of searching for and retrieving the requested record of not more than $10.00 per hour after the first 2 hours of staff time per request.

D. An agency or official may not charge for inspection.

4. Estimate. The agency or official shall provide an estimate of the time necessary to complete the request, and the estimated total costs. If the estimate of the total cost is greater than $20, the agency or official shall inform the requestor before proceeding. If the estimate of total costs is greater than $250, subsection 5 applies.

5. Payment in advance. The agency or official may require a requestor to pay all or a portion of the estimated costs of translating, searching and retrieving, and providing copies of the public record prior to the translation, search and retrieval and copying of the record if:

A. The estimated total cost exceeds $250; or

B. The requestor has previously failed to pay a properly assessed fee under this chapter in a timely manner.

6. Waivers. The agency or official may waive part or all of the total fee if:

A. The requestor is indigent; or

B. Release of the record requested is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requestor.

29-A MRSA §2251, sub-§7 is amended to read:

7. Report information. An accident report made by an investigating officer or a 48-hour report made by an operator as required by former subsection 5 is for the purposes of statistical analysis and accident prevention.

A report or statement contained in the accident report, or a 48-hour report as required by former subsection 5, a statement made or testimony taken at a hearing before the Secretary of State held under section 2483, 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.

The Chief of the State Police 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 chief 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, subsection 3.

SUMMARY

The current statute on the public's right to inspect and copy public records at the location of the records or the record custodian is repealed and replaced to clarify certain provisions and to ensure uniformity of reasonable costs for copies of public records.

New language is added to clarify that the agency or official must provide the public record requested within a reasonable period of time of the request. Many factors may affect the amount of time necessary to produce the record for inspection or a copy of the record, including the complexity of the request, the type of record sought, and the resources of the agency to store and retrieve public records. In all cases, however, a copy of the public record must be provided, or the public record itself must be provided for inspection, within a reasonable period of time of the request, taking all appropriate factors into account.

As provided in current law, inspection, copying and translation into usable form may be scheduled to occur when the regular activities of the agency or official will not be delayed or inconvenienced.

Current law concerning translating records into a form usable by the requestor is retained and clarified. The agency or official may require payment of the costs of translation in advance.

The law is clarified to limit the fees agencies and officials can charge for copies of public records. Except as otherwise specifically provided by statute, the agency or official providing the copies may charge up to 20 cents per page of standard letter size paper of 8 ½ inches by 11 inches or legal size paper of 8 ½ inches by 14 inches. Copies made in any other format are subject to reasonable charges.

New to the law are provisions governing the recoupment of costs of searching for and retrieving records to satisfy a request. After 2 hours of staff time to search for and retrieve records, the agency or official may charge up to $10.00 per hour for such staff services for each request.

An agency providing copies is not required to charge copying costs. An agency that does charge for copies may waive all or part of the regular charge if the requestor is indigent or if release of the record is not primarily in the commercial interest of the requestor and the release is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government. This waiver standard is modeled on the waiver standard that is part of the federal Freedom of Information Act.

The statute governing reports on motor vehicle accidents is amended to specifically exempt the provision of copies of such reports from the new copy fee limitations.

EXECUTIVE SESSIONS

1 MRSA §405, sub-§ 4 is amended to read:

4. Motion contents. A motion to go into executive session ~~shall~~ must indicate the precise nature of the business of the executive session and a citation of one or more sources of statutory or other authority that permits an executive session for that business. Failure to state all authorities justifying the executive session does not constitute a violation of this subchapter if one or more of the authorities were accurately cited in the motion. An inaccurate citation of authority for an executive session does not violate this subchapter if valid authority exists that permits the executive session and the failure to cite the valid authority was inadvertent.

SUMMARY

This section amends the executive session law to require that the motion to enter executive session must include a citation of one ore more sources of statutory or other authority permitting the executive session for the nature of the business stated in the motion.

A motion that includes the citation of statutory or other authority for entering executive session, but does not state all possible authorities for the executive session does not constitute a violation of the statute and does not affect the executive session if the authority stated was accurate and covered the precise nature of the business of the executive session.

Similarly, if the authority cited in the motion is not accurate, it is not a violation of the statute and the executive session is not affected if there is valid authority supporting the executive session for that business and the failure to state the accurate authority was inadvertent.

PUBLIC RECORDS EXCEPTIONS

1 MRSA c. 13, subc. 1-A is enacted to read:

Subchapter 1-A
Exceptions to public records

§431. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Public records exception. "Public records exception" and "exception" mean a provision in a statute or a proposed statute that declares a record or a category of records to be confidential or otherwise not a public record for purposes of chapter 13, subchapter 1.

2. Review committee. "Review committee" means the joint standing committee of the Legislature having jurisdiction over judiciary matters.

§432. Exceptions to public records; review

1. Recommendations. During the Second Regular Session of each Legislature, the review committee shall report out legislation containing its recommendations concerning the repeal, modification and continuation of public records exceptions from the definition of public records, and the exception review process.

2. Process of evaluation. According to the schedule in section 434, the review committee shall evaluate each public records exception that is due to be repealed that biennium. The review committee shall use the following criteria to determine whether each exception scheduled to be repealed should be continued or modified, or allowed to be repealed by the terms of the statute:

A. Does the record protected by the exception still need to be collected and maintained;

B. What is the value to the agency or official or to the public in maintaining the record protected by the exception;

C. Does federal law require the record to be confidential;

D. Does the exception protect an individual's privacy interest, and if so, does that interest substantially outweigh the public interest in disclosure of public records;

E. Does public disclosure put a business at a competitive disadvantage, and if so, does that interest substantially outweigh the public interest in disclosure of public records;

F. Does public disclosure compromise the position of public bodies in negotiations, and if so, does that interest substantially outweigh the public interest in disclosure of public records;

G. Does public disclosure jeopardize the safety of a member of the public or the public in general, and if so, does that interest substantially outweigh the public interest in disclosure of public records;

I. Is the exception as narrowly tailored as possible; and

H. Any other criteria that assists the review committee in determining the value of the exception as compared to the public's interest in the record protected by the exception.

3. Assistance from committees of jurisdiction. The review committee shall seek assistance in evaluating public records exceptions from the joint standing committees of the legislature having jurisdiction over the subject matter related to the exceptions being reviewed. The review committee may hold joint public hearings with the appropriate committees of jurisdiction. The review committee shall notify the appropriate committees of jurisdiction concerning work sessions, and shall allow members of the appropriate committees of jurisdiction to participate in work sessions.

§433. Review of proposed exceptions to public records

1. Procedures before legislative committees. Whenever a legislative measure containing a new public records exception is proposed, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among the members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall refer the proposal to the review committee for review and evaluation pursuant to subsection 2. A proposed exception may not be enacted into law unless review and evaluation pursuant to subsection 2 have been completed.

2. Review and evaluation. Upon referral of a proposed public records exception to the definition of public records from the joint standing committee of the Legislature having jurisdiction over the proposal, the review committee shall conduct a review and evaluation of the proposal and shall report in a timely manner to the committee to which the proposal was referred. The review committee shall use the following criteria to determine whether the proposed exception should be enacted:

A. Does the record protected by the proposed exception need to be collected and maintained;

B. What is the value to the agency or official or to the public in maintaining the record protected by the proposed exception;

C. Does federal law require the record covered by the proposed exception to be confidential;

D. Does the proposed exception protect an individual's privacy interest, and if so, does that interest substantially outweigh the public interest in disclosure of public records;

E. Would public disclosure put a business at a competitive disadvantage, and if so, does that interest substantially outweigh the public interest in disclosure of public records;

F. Would public disclosure compromise the position of public bodies in negotiations;

G. Would public disclosure jeopardize the safety of a member of the public or the public in general, and if so, does that interest substantially outweigh the public interest in disclosure of public records;

I. Is the proposed exception as narrowly tailored as possible; and

H. Any other criteria that assists the review committee in determining the value of the proposed exception as compared to the public's interest in the record protected by the proposed exception.

3. Report. The review committee shall report its findings and recommendations on whether the proposed exception should be enacted to the joint standing committee of the Legislature having jurisdiction over the proposal. If the review committee recommends enactment of an exception in either the proposed or an amended form, the review committee shall include a recommended date for the repeal of the exception consistent with section 434.

§434. Schedule for review of exceptions to public records

1. Scheduling guidelines. The joint standing committee of the Legislature having jurisdiction over judiciary matters shall review exceptions from the definition of "public record" as follows:

A. In 2006 and every 10 years thereafter, the committee shall review exceptions codified in:

(1) Title 1;

(2) Title 2;

(3) Title 3;

(4) Title 4; and

(5) Title 5.

B. In 2008 and every 10 years thereafter, the committee shall review exceptions codified in:

(1) Title 6;

(2) Title 7;

(3) Title 8;

(4) Title 9;

(5) Title 9-A;

(6) Title 9-B;

(7) Title 10;

(8) Title 11;

(9) Title 12;

(10) Title 13;

(11) Title 13-A;

(12) Title 13-B;

(13) Title 13-C;

(14) Title 14; and

(15) Title 15.

C. In 2010 and every 10 years thereafter, the committee shall review exceptions codified in:

(1) Title 16;

(2) Title 17;

(3) Title 17-A;

(4) Title 18-A;

(5) Title 19-A;

(6) Title 20-A;

(7) Title 21-A; and

(8) Title 22.

D. In 2012 and every 10 years thereafter, the committee shall review exceptions codified in:

(1) Title 23;

(2) Title 24;

(3) Title 24-A;

(4) Title 25;

(5) Title 26:

(6) Title 27;

(8) Title 28-A; and

(9) Title 29-A.

E. In 2014 and every 10 years thereafter, the committee shall review exceptions codified in:

(1) Title 30;

(2) Title 30-A;

(3) Title 31;

(4) Title 32;

(5) Title 33;

(6) Title 34;

(7) Title 35-A;

(8) Title 36;

(9) Title 37;

(10) Title 38; and

(11) Title 39-A.

Sec. 2. Codification of public records exceptions. The Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall produce a bill for introduction in the First Regular Session of the 122nd Legislature that does the following:

A. Lists in Title 1, chapter 13, subchapter 1-A all the identified public records exceptions from the definition of public records that are found elsewhere in the statutes, including cross-references to those exceptions;

B. Terminates each identified exception in 2, 4, 6, 8 or 10 years by establishing a date for the repeal of each exception consistent with Title 1, section 434.

SUMMARY

There are many statutes that except from the definition of "public record" specific records created, received or maintained by governmental entities. This language requires that provisions excepting records from the definition of "public record" be reviewed to determine if the

exceptions should be continued, modified or repealed. A cyclical review process is established for a legislative review committee, the joint standing committee of the Legislature having jurisdiction over judiciary matters, to review and evaluate all the identified exceptions at least once every 10 years. Criteria are established for the review and evaluation. The legislative committees of jurisdiction will have an opportunity to participate in the review and evaluation process. The review committee is authorized to report out legislation that carries out the review committee's recommendations to continue, modify or repeal each exception reviewed and evaluated.

The Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall produce a bill that lists all the identified exceptions in a section of the Freedom of Access laws. The bill will terminate each exception on a specific date based on the review cycle as provided in section 434.

CONTINUATION OF STUDY

Sec. 1. Resolve 2003, chapter 83 is amended to read:

CHAPTER 83

H.P. 797 - L.D. 1079

Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws

Sec. 1. Committee established. Resolved: That the Committee to Study Compliance with Maine's Freedom of Access Laws, referred to in this resolve as "the committee," is established; and be it further

Sec. 2. Committee membership. Resolved: That the committee consists of 16 members appointed as follows:

1. One member of the Senate, appointed by the President of the Senate;

2. One member of the House of Representatives, appointed by the Speaker of the House;

3. One member representing the Maine Press Association, appointed by the President of the Senate;

4. One member representing the Maine Daily Newspapers Publishers Association, appointed by the Speaker of the House;

5. One member representing the Maine Municipal Association, appointed by the Governor;

6. One member representing the Maine Chiefs of Police Association, appointed by the Governor;

7. One member representing the Maine School Management Association, appointed by the Governor;

8. The Attorney General, or the Attorney General's designee;

9. One member representing the Maine Association of Broadcasters, appointed by the President of the Senate;

10. One member representing the Maine Freedom of Information Coalition, appointed by the Speaker of the House;

11. The Commissioner of Public Safety, or the commissioner's designee;

12. One member representing county commissioners, appointed by the President of the Senate;

13. One member representing the Maine Sheriffs' Association, appointed by the President of the Senate;

14. One member representing persons whose privacy interests are protected by the freedom of access laws, appointed by the President of the Senate;

15. One member of the public, appointed by the President of the Senate; and

16. One member of the public, appointed by the Speaker of the House; and be it further

Sec. 3. Appointments; cochairs. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The legislative members named to the committee shall serve as cochairs. When the appointment of all members is completed, the cochairs of the committee shall call and convene the first meeting of the committee no later than 15 days after the last member is appointed; and be it further

Sec. 4. Committee duties. Resolved: That the committee shall meet not more than 4 times to study state and local governmental compliance with Maine's freedom of access laws and other issues relating to citizens' access to public records and public proceedings. In examining these issues, the committee shall:

1. Review and analyze the Report on Public Records Audit, prepared by the Maine Freedom of Information Coalition in November 2002, and the recommendations made in the report;

2. Study what measures, if any, state and local governmental entities in Maine and in other states have taken to ensure their employees are knowledgeable about and comply with Maine's freedom of access laws or other comparable state laws;

3. Investigate and recommend ways in which governmental compliance with Maine's freedom of access laws may be meaningfully improved and calculate what, if any, costs may be associated with making such improvements;

4. Undertake a comprehensive inventory and review of the various exceptions to public access to records and proceedings found within the freedom of access laws and identify possible changes to these exceptions in order to streamline Maine law and thereby make it more easily understood and complied with by governmental employees;

5. Reconsider whether the need for any of the statutory exceptions, as currently worded, is outweighed by the State's general interest in ensuring citizens' access to public records and proceedings; ~~and~~

6. Study whether and to what extent the freedom of access laws may be used as a harassment tool against local governmental entities and what remedies may be available and appropriate to deter any such harassment; ~~and be it further~~

7. Review the issues surrounding appropriate charges for remote electronic access of public records;

8. Recommend whether the court should have discretion to award attorneys' fees to a party in a public access court appeal and, if so, under what circumstances;

9. Recommend whether the enforcement procedures, including the imposition of monetary penalties, should be modified;

10. Explore options for providing staffing assistance for the legislative review of exceptions to the definition of public records;

11. Review the issues surrounding voice-mail and electronic mail and determine if statutory changes are necessary to ensure public access to public records;

12. Review the issues surrounding the conduct of public proceedings through electronic means and the methods of ensuring public access to such proceedings;

13. Review the options for standardization and clarification of Maine law contained in the report to the Maine Legislature: Confidentiality of Public Records (1992);

14. Review the efforts of the Department of the Attorney General to provide public access assistance to the public and entities covered by the freedom of access laws; and

15. Any other public access issues that may improve compliance with the Freedom of Access laws and enhance public access to public proceedings; and be it further

Sec. 5. Staff assistance. Resolved: That upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee; and be it further

Sec. 6. Reimbursement. Resolved: That legislative members of the committee are entitled to receive legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the committee; and be it further

Sec. 7. Funding. Resolved: That the committee may seek outside funds to advance its work. Prompt notice of solicitation of funds must be sent to the Legislative Council. Contributions to support the work of the committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. Such certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose and any limitation on the use of the funds. The Executive Director of the Legislative Council administers any funds received; and be it further

Sec. 8. Committee budget. Resolved: That the cochairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days

after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget; and be it further

Sec. 9. ~~Report~~ Initial report. Resolved: That the committee shall submit ~~a~~ an initial report that includes its findings and recommendations including suggested legislation for presentation to the Joint Standing Committee on Judiciary and the Legislative Council by December 3, 2003. Following receipt and review of the report, the Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 121st Legislature to implement the committee's recommendations. If the committee requires a limited extension of time to conclude its study and to make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 9-A. Final report. Resolved: That the no later than November 3, 2004, the committee shall submit a final report that includes its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 122nd Legislature. The committee is authorized to submit legislation related to its report for introduction to the First Regular Session of the 122nd Legislature at the time of submission of its report.

SUMMARY

Resolve 2003, chapter 83 is amended to extend the reporting date of the Committee to Study Compliance with Maine's Freedom of Access Laws to November 3, 2004. The study committee identified several issues that should be reviewed and resolved in this comprehensive review of the Freedom of Access laws, and those issues are added to the duties of the study committee.

APPENDIX D

Extension of study deadline

COMMISSION TO STUDY COMPLIANCE WITH MAINE'S FREEDOM OF ACCESS LAWS

November 24, 2003

TO: Sen. Beverly C. Daggett, Chair
Rep. Patrick Colwell, Vice Chair
Legislative Council

FROM: Sen. Margaret Rotundo, Senate Chair
Rep. Theodore Koffman, House Chair

Re: Request for extension of reporting deadline

The Committee to Study Compliance with Maine's Freedom of Access Laws, created by Resolve 2003, chapter 83, respectfully requests an extension of the December 3rd reporting deadline to January 15, 2004. The gubernatorial appointments to the committee were completed and reported to the Legislature on November 12th, and we held our first meeting on November 19th. We would like to hold meetings on December 10th and December 17th, with our final meeting to be scheduled in early January.

We believe that this study is very important, and we are pleased that the members are not only excellent representatives of the significant interests, but dedicated and hard working. Our first meeting was very productive, and a subcommittee is scheduled to tackle the public records exemptions on December 3rd.

We believe that the extension will give the study committee the opportunity it needs to make meaningful recommendations.

Thank you for your consideration. We are happy to answer any questions you may have.

Cc: David Boulter, Executive Director
David Elliott, Director, OPLA
Teen Griffin, Legislative Information

DAVID E. BOULTER

EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

December 9, 2003

To: The Honorable Margaret Rotundo, Senate Chair
The Honorable Theodore Koffman, House Chair
Commission to Study Compliance With Maine's Freedom of Access Laws

From: David E. Boulter, Executive Director of the Legislative Council

Date: December 9, 2003

Re: Commission's Request for Extension of Report Date

At its monthly meeting on December 8, 2003, the Legislative Council considered the request by the Commission to Study Compliance With Maine Freedom of Access Laws for an extension of its reporting date from December 3, 2003 to January 15, 2004.

The Legislative Council approved a limited extension to the report date to January 9, 2004, at which time the Commission must submit its final report and any accompanying legislation.

If you have any questions about the Legislative Council's decision, please consult your committee analyst or contact me at 287-1615.

Thank you.

cc: Margaret Reinsch, Legislative Analyst, OPLA
Lisa Baldwin, Legislative Analyst, OPLA

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115 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0115
TELEPHONE 207-287-1615 FAX: 207-287-1621 E-MAIL: david.boulter@state.me.us

APPENDIX E

Chiefs of Police model policy

Adopted: 00/00/0000 **GENERAL ORDER** **Working Date: 01/15/2003**

SUBJECT: PUBLIC ACCESS TO RECORDS **NUMBER: 2-25**

EFFECTIVE DATE: 00/00/0000 **REVIEW DATE: 00/00/0000**

AMENDS/SUPERSEDES: 10/13/1999 **APPROVED_____**
01/22/1998 **Chief Law Enforcement Officer**

I. POLICY:

It is the policy of this law enforcement agency, in accordance with the Freedom of Access Act[1], to provide public access to the public records of this agency. It is also the policy of this agency to protect the integrity of confidential records. Among such confidential records are those declared confidential by the Freedom of Access Act, the Criminal History Information Act[2], certain personnel records of municipal, county, and state agencies[3], certain E-911 records[4], intelligence information[5], and such other confidential records that may come into possession of this agency.

II. PURPOSE:

It is the purpose of this policy to establish guidelines for the public inspection or copying of public records.

III. DEFINITIONS:

A. **Confidential Records.** "Confidential Records" are records exempt from public access. They are not public records.

B. **Conviction Data.** "Conviction Data" means criminal history record information other than nonconviction data.[6] Conviction data generally constitutes public records.

C. **Criminal History Record Information.** "Criminal History Record Information" means notations or other written evidence of an arrest, detention, complaint, indictment, information or other formal criminal charge relating to an identifiable person. It shall include the identification or description of the person charged and any disposition of the charge. The term does not include identification information such as fingerprints, palm prints or photographic records to the extent that the information does not indicate involvement of the individual in the criminal justice system. The term does not include records of civil violations.[7]

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[1] 1 M.R.S.A. § 401 et seq.
[2] 16 M.R.S.A. § 611 et seq.
[3] 30-A M.R.S.A. §§ 2702 and 503, and 5 M.R.S.A. § 7070, respectively
[4] 25 M.R.S.A. § 2929
[5] 29 CFR, part 23
[6] 16 M.R.S.A. § 611(2)
[7] 16 M.R.S.A. § 611(3)

D. Dissemination. "Dissemination" means the transmission of information, whether orally, in writing or by electronic means by or to anyone outside the agency that maintains the information.[8]

E. Intelligence and Investigative Information. Information collected by criminal justice agencies or at the direction of criminal justice agencies in an effort to anticipate, prevent or monitor possible criminal activity, including operation plans of the collecting agency or another agency, or information compiled in the course of investigation of known or suspected crimes, civil violations and prospective and pending civil actions. "Intelligence and Investigative Information" does not include information that is criminal history record information.[9]

F. Nonconviction Data. "Nonconviction Data" means criminal history record information of the following types: (1) arrest information without disposition, if an interval of one year has elapsed from the date of the arrest and no active prosecution of the charge is pending. To be an active prosecution the case must be still actively in process, with arraignment completed and the case docketed for court trial; (2) information disclosing that the police have elected not to refer a matter to a prosecutor; (3) information disclosing that a prosecutor has elected not to commence criminal proceedings; (4) information disclosing that criminal proceedings have been indefinitely postponed, e.g., a "filed" case, or a case which cannot be tried because the defendant is found to be mentally incompetent to stand trial; (5) a dismissal; (6) an acquittal, excepting an acquittal by reason of mental disease or defect; and (7) information disclosing that a person has been granted a full and free pardon or amnesty.[10] Nonconviction Data is generally confidential, i.e., not subject to public access.

G. Public. *Every person* shall have the right to inspect and copy any public record.[11]

H. Public Records. Generally, with certain exceptions as indicated below under Section IV, any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business.[12]

I. Statute. "Statute" means an Act of Congress or of a state legislature or a provision of the Constitution of the United States or of a state.[13]

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[8] 16 M.R.S.A. § 611(6)
[9] 16 M.R.S.A. § 611(8)
[10] 16 M.R.S.A. § 611(9)
[11] 1 M.R.S.A. § 408
[12] 1 M.R.S.A. § 402(3)
[13] 16 M.R.S.A. § 611(12)

IV. PROCEDURE:

A. Every person shall have the right to inspect and copy any public record during the regular business hours of the custodian or location of such record; provided that, whenever inspection cannot be accomplished without translation of mechanical or electronic data compilations into some other form, the person desiring inspection may be required to pay in advance the cost of translation and both translation and inspection may be scheduled to occur at such time as will not delay or inconvenience the regular activities of the agency or official having custody of the record sought and provided further that the cost of copying any public record to comply with this section shall be paid by the person requesting the copy.[14]

B. Generally, while perhaps desirable for the purpose of recordkeeping, a person requesting to inspect or copy a public record is not required to provide identification or otherwise disclose to the agency or custodian of the public record the person's identity or affiliation, or the reason for the request. Refusal to allow inspection or copying of a public record may not be based upon a person's declination to provide identification or to disclose the reason for the request. *(See Section E, subsection 14, below for an exception to the general prohibition of requiring identification of a person requesting to inspect certain records.)*

C. Generally, while perhaps desirable for purposes of recordkeeping, a person requesting to inspect or copy a public record is not required to put the request in writing.

D. If the agency or custodian refuses public access to a record or records, the denial and the reason for the denial must be provided in writing to the person making the request within five (5) working days of the request. Failing to grant or deny the request within five (5) working days of the request constitutes a denial to permit inspection or copying of the public record. A person denied access may appeal the denial to the Superior Court within five (5) working days of the denial.[15]

E. Records that are *confidential* records and that may not be disseminated include, but are not limited to (with such exceptions as noted):

Freedom of Access Act

(1) *Records that have been designated confidential by statute*;[16]

(2) *Records that would be within the scope of a privilege* against discovery or use as evidence recognized by the courts of this State in civil or criminal trials if the records or inspection thereof were sought in the course of a court proceeding;[17]

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[14] 1 M.R.S.A. § 408
[15] 1 M.R.S.A. § 409
[16] 1 M.R.S.A. §402(3)(A)
[17] 1 M.R.S.A. §402(3)(B)

(3) *Material prepared for and used specifically and exclusively in preparation for negotiations*, including the development of bargaining proposals to be made and the analysis of proposals received, by a public employer in collective bargaining with its employees and their designated representatives;[18]

(4) *Medical records* and reports of municipal ambulance and rescue units and other emergency medical service units, except that such records and reports must be available upon request to law enforcement officers investigating criminal conduct;[19]

(5) *Juvenile records* and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter;[20]

(6) *Records describing security plans, security procedures or risk assessments* prepared specifically for the purpose of preventing or preparing for acts of terrorism, but only to the extent that release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public. Information contained in records covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. For purposes of this paragraph, "terrorism" means conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure.[21]

E-911 Confidentiality

(7) *E-911 confidential information* is information listed below as contained in any database, report, audio recording or other record of a Public Safety Answering Point (PSAP):[22]

(a) The names, addresses and telephone numbers of persons listed in E-9-1-1 databases;[23]

(b) Customer information, described in Title 35-A, section 7501, subsection 1, that is omitted from a telephone utility directory list at the request of a customer;[24]

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[18] 1 M.R.S.A. §402(3)(D)
[19] 1 M.R.S.A. §402(3)(H)
[20] 1 M.R.S.A. §402(3)(I)
[21] 1 M.R.S.A. § 402(3)(L)
[22] 25 M.R.S.A. § 2929(1)
[23] 25 M.R.S.A. § 2929(1)(A)
[24] 25 M.R.S.A. § 2929(1)(B)

(c) The name, address and telephone number of a caller to a public safety answering point;[25] or

(d) The name, address and telephone number of and any medical information about a person receiving emergency services through the E-9-1-1 system.[26]

(8) E-911 confidential information may not be disclosed in any manner except:[27]

(a) A PSAP may disclose confidential information to public or private safety agencies and emergency responders for purposes of processing emergency calls and providing emergency services;[28]

(b) A PSAP may disclose confidential information to a law enforcement officer or law enforcement agency for the purpose of criminal investigations related to an E-9-1-1 call;[29]

(c) A PSAP may disclose confidential information to the Emergency Services Communications Bureau (ESCB) for the purpose of system maintenance and quality control;[30] and

(d) The ESCB bureau director may disclose confidential information to PSAP's, public or private safety agencies, emergency responders or others within the E-911 system to the extent necessary to implement and manage the E-911 system.[31]

Criminal History Record Information – Nonconviction Data

(9) Except as noted below in section (10), dissemination of *nonconviction data* is limited to:[32]

(a) Other criminal justice agencies for the purpose of the administration of criminal justice and criminal justice agency employment;[33]

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[25] 25 M.R.S.A. § 2929(1)(C)
[26] 25 M.R.S.A. § 2929(1)(D)
[27] 25 M.R.S.A. § 2929(2)
[28] 25 M.R.S.A. § 2929(2)(A)
[29] 25 M.R.S.A. § 2929(2)(B)
[30] 25 M.R.S.A. § 2929(2)(C)
[31] 25 M.R.S.A. § 2929(2)(D)
[32] 16 M.R.S.A. § 613
[33] 16 M.R.S.A. § 613(1)

(b) Any person for any purpose when expressly authorized by statute, executive order, court rule, court decision or court order. Express authorization shall mean language in the statute, executive order, or court rule, decision or order which specifically speaks of nonconviction data or specifically refers to one or more of the types of nonconviction data;[34]

(c) Any person with a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice or to conduct investigations determining the employment suitability of prospective law enforcement officers. The agreement shall specifically authorize access to data, limit the use of the data to purposes for which given, insure security and confidentiality of the data consistent with this subchapter and provide sanctions for any violations; and[35]

(d) Any person for the express purpose of research, evaluation or statistical purposes or under an agreement with the criminal justice agency. The agreement shall specifically authorize access to data, limit the use of data to research, evaluation or statistical purposes, insure the confidentiality and security of the data consistent with this subchapter and provide sanctions for any violations.[36]

(e) Criminal history record information disseminated to a noncriminal justice agency shall be used solely for the purpose of which it was disseminated and shall not be disseminated further.[37]

(10) Criminal history record information or nonconviction data contained in the following is *not confidential* and, thus, the record or records are subject to public access or dissemination:[38]

(a) Posters, announcements or lists for identifying or apprehending fugitives or wanted persons;[39]

(b) Original records of entry, such as police blotters, that are maintained by criminal justice agencies and that are compiled and organized chronologically;[40]

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[34] 16 M.R.S.A. § 613(2)
[35] 16 M.R.S.A. § 613(3)
[36] 16 M.R.S.A. § 613(4)
[37] 16 M.R.S.A. § 617
[38] 16 M.R.S.A. § 612(2)
[39] 16 M.R.S.A. § 612(2)(A)
[40] 16 M.R.S.A. § 612(2)(B)

Names of complainants, witnesses, and victims – as well as personally identifying information – are confidential.[41]

Names of complainants – as well as personally identifying information – reporting alleged violations of law are confidential.[42]

(c) Criminal history record information related to an offense for which a person is currently within the criminal justice system.[43]

(d) Record or persons detained. Every criminal justice agency that maintains a facility for pretrial detention shall record[44] the identity of the arrested person, including name, age, residence and occupation, if any;[45] offenses charged, including the time, place and nature of the offense;[46] time and place of arrest;[47] and circumstances of arrest, including force, resistance, pursuit and weapon, if any.[48]

Intelligence and Investigative Information

(11) Reports or records that contain *intelligence and investigative information* are confidential and may not be disseminated if there is a reasonable possibility that public release or inspection of the reports or records would[49]:

(a) Interfere with law enforcement proceedings;[50]

(b) Result in public dissemination of prejudicial information concerning an accused person or concerning the prosecution's evidence that will interfere with the ability of a court to impanel an impartial jury;[51]

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[41] See Lewiston Sun v. Sheriff Herrick, Appendix 5
[42] See Rule 509, Maine Rules of Evidence, Appendix 6
[43] 16 M.R.S.A. § 612(3)(A)
[44] 16 M.R.S.A. § 612-A(1)
[45] 16 M.R.S.A. § 612-A(1)(A)
[46] 16 M.R.S.A. § 612-A(1)(B)
[47] 16 M.R.S.A. § 612-A(1)(C)
[48] 16 M.R.S.A. § 612-A(1)(D)
[49] 16 M.R.S.A. 614(1)
[50] 16 M.R.S.A. 614(1)(A)
[51] 16 M.R.S.A. 614(1)(B)

(c) Constitute an unwarranted invasion of personal privacy;[52]

Names of complainants, witnesses, and victims – as well as personally identifying information – are confidential.[53]

Names of complainants – as well as personally identifying information – reporting alleged violations of law are confidential.[54]

(d) Disclose the identity of a confidential source;[55]

(e) Disclose confidential information furnished only by the confidential source;[56]

(f) Disclose trade secrets or other confidential commercial or financial information designated as such by the owner or source of the information or by the Department of the Attorney General;[57]

(g) Disclose investigative techniques and procedures or security plans and procedures not generally known by the general public;[58]

(h) Endanger the life or physical safety of any individual, including law enforcement personnel;[59]

(i) Disclose conduct or statements made or documents submitted by any person in the course of any mediation or arbitration conducted under the auspices of the Department of the Attorney General;[60]

(j) Disclose information designated confidential by some other statute;[61] or

(k) Identify the source of complaints made to the Department of the Attorney General involving violations of consumer or antitrust laws.[62]

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[52] 16 M.R.S.A. 614(1)(C)
[53] See Lewiston Sun v. Sheriff Herrick, Appendix 5
[54] See Rule 509, Maine Rules of Evidence, Appendix 6
[55] 16 M.R.S.A. 614(1)(D)
[56] 16 M.R.S.A. 614(1)(E)
[57] 16 M.R.S.A. 614(1)(F)
[58] 16 M.R.S.A. 614(1)(G)
[59] 16 M.R.S.A. 614(1)(H)
[60] 16 M.R.S.A. 614(1)(I)
[61] 16 M.R.S.A. 614(1)(J)
[62] 16 M.R.S.A. § 614(1)(K)

Dissemination Permitted

(12) Dissemination of intelligence and investigative information *is not precluded*[63] to another criminal justice agency;[64] a state agency responsible for investigating abuse, neglect or exploitation of children or incapacitated or dependent adults for use in the investigation of suspected abuse, neglect or exploitation;[65] or an accused person or that person's agent or attorney if authorized by the district attorney for the district in which that accused person is to be tried, a rule or ruling of a court of this State or of the United States, or the Attorney General.[66]

Criminal History Record Information – Conviction Data

(13) *Conviction data* may be disseminated to any person for any purpose.[67] However, an agency shall query the State Bureau of Identification (SBI) prior to dissemination of any criminal history record information for noncriminal justice purposes to assure that the most up-to-date disposition data is being used.[68]

(14) *Right to Access and Review.* Any person or his attorney may inspect the criminal history record information concerning that person maintained by this agency. A person's right to inspect or review criminal history record information shall not include access to intelligence and investigative information or any other information which is not criminal history record information. This agency may prescribe reasonable hours and locations at which the right may be exercised and any additional restrictions, including satisfactory verification of identity by fingerprint comparison, as are reasonably necessary. These restrictions shall be to insure the security and confidentiality of the criminal history record information and to verify the identity of the person seeking to inspect that information. The agency shall supply the person or his attorney with a copy of the criminal history record information pertaining to that person on request and payment of a reasonable fee.[69]

(15) *Review.* A person or his attorney may request amendment or correction of such criminal history record information by addressing, either in person or by mail, that person's request to this agency. The request shall indicate the particular record involved, the nature of the correction sought and the justification for the amendment or correction. On receipt of a request, this agency shall take necessary steps to determine whether the questioned information is accurate and complete. If investigation reveals that the questioned information is inaccurate or incomplete, the agency shall immediately correct the error or deficiency and

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[63] 16 M.R.S.A. § 614(3)
[64] 16 M.R.S.A. § 614(3)(A)
[65] 16 M.R.S.A. § 614(3)(B)
[66] 16 M.R.S.A. § 614(3)(C)
[67] 16 M.R.S.A. § 615
[68] 16 M.R.S.A. § 616
[69] 16 M.R.S.A. § 620(1)

advise the requesting person that the correction or amendment has been made. Not later than 15 working days after the receipt of a request, the agency shall notify the requesting person in writing either that the agency has corrected the error or deficiency or that it refuses to make the requested amendment or correction. The notice of refusal shall include the reasons therefor, the procedure established by the agency for requesting a review by the head of the agency of that refusal and the name and business address of that official.[70]

(16) *Administrative appeal.* If there is a request for review, the Chief Law Enforcement Officer (CLEO) shall, not later than 30 working days from the date of the request complete the review and either make the requested amendment or correction or refuse to do so. If the CLEO refuses to make the requested amendment or correction, the CLEO shall permit the requesting person to file with the agency a concise statement setting forth the reasons for that person's disagreement with the refusal. The CLEO shall also notify the person of the provisions for judicial review of the reviewing official's determination, as outlined below. Dissemination of the disputed criminal history record information by this agency shall clearly reflect notice of the dispute. A copy of the statement shall be included, along with, if the agency deems it appropriate, copies of a concise statement of the reasons of the agency for not making the amendment or correction requested.[71]

(17) *Judicial review.* If the CLEO denies an administrative appeal, or the requesting person believes the decision of the head of the agency to be otherwise unsatisfactory, the person may, within 30 days of the decision rendered by the CLEO, seek relief in the Superior Court.[72]

(18) *Notification.* When a criminal justice agency has amended or corrected a person's criminal history record information in response to written request as provided above or a court order, the agency shall, within 30 days thereof, advise all prior recipients, who have received that information within the year prior to the amendment or correction, of the amendment or correction. It shall also notify the person of compliance with that requirement and the prior recipients notified.[73]

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[70] 16 M.R.S.A. § 620(2)
[71] 16 M.R.S.A. § 620(3)
[72] 16 M.R.S.A. § 620(4)
[73] 16 M.R.S.A. § 620(5)

Concealed Weapons Applications

(19) All *applications for a permit to carry concealed firearms* and documents made a part of the application, refusals, and any information of record collected by the issuing agency during the process of ascertaining whether an applicant is of good moral character and meets the additional requirements for the issuance of a permit, are confidential and may not be made available for public inspection or copying. The applicant may waive this confidentiality by written notice to the issuing authority. However, the issuing authority shall make a permanent record of each permit to carry concealed firearms in a suitable book or file kept for that purpose. The record shall include the information contained in the permit itself and shall be available for public inspection.[74]

Personnel Records

(20) Personnel records pertaining to municipal, county, and state employees are for the most part confidential.[75] For example, complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in disciplinary action are confidential. However, if disciplinary action is taken, the final written decision relating to that action is no longer confidential after the decision is completed if it imposes or upholds discipline. If an arbitrator completely overturns or removes disciplinary action from an employee personnel file, the final written decision is public except that the employee's name must be deleted from the final written decision and kept confidential. If the employee whose name was deleted from the final written decision discloses that the employee is the person who is the subject of the final written decision, the entire final written report, with regard to that employee, is public. Final written decision "means (1) the final written administrative decision that is not appealed pursuant to a grievance arbitration procedure, or (2) if the final written administrative decision is appealed to arbitration, the final written decision of a neutral arbitrator. A final written administrative decision that is appealed to arbitration is no longer confidential 120 days after a written request for the decision is made to the employer if the final written decision of the neutral arbitrator is not issued and released before the expiration of the 120 days."

For a full discussion of the confidentiality of personnel records of municipal, county, and state employees, see Appendix 4.

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[74] 25 M.R.S.A. § 2006

[75] 30-A M.R.S.A. §§ 2702 and 503, and 5 M.R.S.A. § 7070, respectively

MAINE CHIEFS OF POLICE ASSOCIATION – ADVISORY

This Maine Chiefs of Police Association model policy is a generic policy provided to assist your agency in the development of your own policies. All policies mandated by statute contained herein meet the standards as prescribed by the Board of Trustees of the Maine Criminal Justice Academy. The Chief Law Enforcement Officer is highly encouraged to use and/or modify this model policy in whatever way it would best accomplish the individual mission of the agency.

DISCLAIMER

This model policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for administrative sanctions by the individual Law Enforcement Agency and/or the Board of Trustees of the Maine Criminal Justice Academy. This policy does not hold the Maine Chiefs of Police Association, its employees or its members liable for any third party claims and is not intended for use in any civil actions.

APPENDIX F

List of exceptions from definition of "public record"

PUBLIC RECORDS EXCEPTIONS

Sorted by likely committee of jurisdiction

TITLE	SECTION	SUB-SECTION	SUBJECT	STATUTE TYPE	SUBJECT OF RECORD	PERMITTED RELEASE	Likely JSC
07	1052	2	Genetically engineered plants and seeds – manufacturer's list of growers of genetically engineered plants	NPR	I	L	ACF
07	20	1	Dept of AFRR, info reported voluntarily	C, P	E		ACF
07	2103-A	4	Records relating to patented and nonreleased potato varieties	C	E	WP	ACF
07	2226	1	Ginseng license applications, licensees, locations	C	I, E	SC, WP	ACF
07	2992-A	1	Maine Dairy Promotion Board	A	E		ACF
07	2998-B	1	Maine Dairy and Nutrition Council	A	E		ACF
07	306-A	3	Agricultural development grant program, market research or development activities	C	E	WP, L	ACF
07	4204	10	* Nutrient management plan	C	E	L	ACF
07	4204	1	Nutrient management plan	C	E		ACF
07	4205	2	Livestock operations permit, nutrient management plan	C	E		ACF
07	607	4	Pesticides, results of tests	C	E	N	ACF
07	951-A		Potatoes, minimum standards for planting	C	E	SC, WP	ACF
12	550-B	6	Water well information collected by Bureau of Geology and Natural Areas	T1, c13	NS	L	ACF
12	8611	1	* Forest management information - landowner contact information	C	I	L	ACF
12	8869	13	Forest practices, info provided to bureau, outcome-based forest policy experimental areas	C	E	L	ACF
12	8884	3	Forest landowner and wood processor reporting requirements – volume info	C	E	L	ACF
13	1957	8	Maine Agricultural Marketing and Bargaining Act, member info, volume info	C	I, E	T	ACF
36	4312-C	1	Wild Blueberry Commission, info designated confidential	C, A	NS		ACF
36	4315	1	Transportation of wild blueberries	C	E	SC	ACF
36	4316	4	Wild blueberries – audit	C, P	E	SC	ACF

LEGEND:

STATUTE TYPE:
A = statute provides access to otherwise confidential information
C = statute declares information confidential
D = statutes declares otherwise confidential information public
P = statute requires adoption of procedures to maintain confidentiality
NPR = "not a public record"
T1, c. 13 = "notwithstanding T1, c. 13"
T1, §402 = "notwithstanding T1, §402"

SUBJECT OF RECORD:
I = personally identifying or otherwise personal information
E = business or enterprise information, including trade secrets
G = information about governmental operations
NS = not specified (e.g., "records")

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* added in 2003

PERMITTED RELEASE:
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TITLE	SECTION	SUB-SECTION	SUBJECT	STATUTE TYPE	SUBJECT OF RECORD	PERMITTED RELEASE	Likely JSC
36	4604	5	Potato industry, special taxes – Maine Potato Board: records and meetings if would adversely affect competitive position of industry or segments	T1, c13	NS		ACF
12	1827	3	* Dept of Conservation - camper reservations at state parks	C	I	L	ACF/ JUD?
16	614	2	Criminal History Record Information Act; cruelty to animals informants	C	I	N	ACF?
05	13119-A		Economic and Community Development - proprietary information, tax info, financial info, credit info	C	I, E	L	BRED
05	13119-C		Economic and Community Development, disclosure of info confidential under §13119-A	A	I, E	L, SC, WP	BRED
05	13120-M	2	Maine Rural Development Authority- pre-application info, peer analysis, info requested to be confidential because of significant detriment if released, financial and tax info if invasion of privacy,	C	I, E	N, L, SC	BRED
05	15302-A	2	Maine Technology Institute -pre-application info, peer analysis, info requested to be confidential because of competitive harm if released, financial and tax info, personnel records	C	I, E	L, SC	BRED
05	15321	3	Applied Technology Development Center System – records and proceedings	T1, c13	NS		BRED
10	391	2, 3	Small Enterprise Growth Program	C	I, E	L, T	BRED
10	8002	10	Commissioner of Professional and Financial Regulation, info provided to	C	NS	WP. F	BRED
10	8003	2-A	Info furnished to Office of Licensing and Registration	P	NS	F	BRED
10	8003-B	2-A	Dept. of Professional and Financial Regulation, complaints and investigations records of boards and commissions, client	C	I	T, WP	BRED

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			records				
10	8003-B	1	Dept. of Professional and Financial Regulation, complaints and investigations records of boards and commissions	C	NS	T	BRED
10	9202	1-B	* Northern Maine Transmission Corporation - records of FAME; information furnished or developed (10 §975-A)	C	I, E	WP, L	BRED
10	945-J		Maine International Trade Center, business and marketing, tax, credit assessment	C	I, E		BRED
10	975-A	2, 3	Finance Authority of Maine, info furnished or developed	C	I, E	WP, L	BRED
22	3294		Confidential info provided to professional and occupational licensing boards	P	I, E?	L	BRED
32	13006		Real Estate Brokerage License Act – grievance or professional standards committee info	C	NS	N	BRED
32	1658-F	1	Hearing aid dealers and fitters, testing and sales info	C	I, E		BRED
32	2105-A	3	Nurses and nursing, info provided by health care facility to board	C	I	SC, L	BRED
32	2109		* Nurse applicants or licensees - personal residence and address	C	I	L	BRED
32	2599		Osteopathic physicians, medical staff review committees	C	NS		BRED
32	2600-A		Osteopathic physicians, personal info about applicant/licensee	C	I	L	BRED
32	3296		Board of Licensure in Medicine, medical staff review committees	C	NS		BRED
32	3300-A		Board of Licensure in Medicine, personal info about applicant/licensee	C	I	L	BRED
32	6115	1	Money transmitters and check cashers, financial info	C	I, E		BRED
20-A	11418	1, 2	Maine Educational Loan Authority, info about applicants or recipients	C	NS	L, SC	BRED /

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							EDU?
20-A	11444	1, 2	Student Financial Aid Supplemental Loan Program, info about applicants or recipients	C	NS	L, SC	BRED / EDU?
20-A	11494	1, 2	* Higher Education Loan Purchase Program - information from borrowers	C	NS	L, SC	BRED / EDU?
30-A	4706	1, 2, 3	Municipal housing authorities	C	I, E	L, WP	BRED ?
30-A	5205	1, 2, 3	Municipal community development	C	I, E	L, WP	BRED ?
10	1079	4	Family Development Account Program, account holders and their families	C	I		BRED ?
22	7250	1	* Prescription Drug Monitoring Program - information submitted to office	C	NS	L	BRED ?
32	1092-A	1, 2	Dentists and dental hygienists, patient's privilege	C	I	SC, L	BRED ?
32	11305	3	Maine Commodity Code, info by rule or order of administrator	C	NS		BRED ?
38	100-A	1	Operation of vessels, pilots – complaints and investigative records	C	I	T, L	BRED ?
34-A	11221	9, 10	* Information on sex offenders, sexual violent predators	D	I		CRJ
34-A	1203	5	Dept. of Corrections, Office of Advocacy – requests for action	C	I	L	CRJ
34-A	1212		Dept. of Corrections, employees and contractors info	C	I		CRJ
34-A	1214	3, 4	Dept. of Corrections, Victims Services Coordinator – release information, requests for release information	P	I		CRJ
34-A	1216	1, 2	* Corrections: Commitment - medical and administrative	P	I	L, WP, F	CRJ

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			records				
34-A	1216	6	* Corrections: assessment tools used to screen or assess clients	NPR	I?	L	CRJ
34-A	5210	4	Parole Board info, report to Governor	C	NS		CRJ
34-A	9877	4	* Interstate Compact for Adult Offender Supervision - records that adversely affect personal privacy rights or proprietary interests	May exempt from disclosure	I, E	L	CRJ
34-A	9903	8	* Compact for Juveniles, Interstate Commission - records that adversely affect personal privacy rights or proprietary interests	May exempt from disclosure	I, E		CRJ
01	402	3-A	Freedom of access, public record, criminal justice agency records	D	I		CRJ
15	3301	6-A	Info about juvenile against whom a juvenile petition has not been filed	C	I	WP, L	CRJ
15	3301-A	1	*Juveniles - sharing information about juveniles, notification teams	A	I	L, F	CRJ
15	3308	7	Records of juvenile proceedings	C	I	L, SC, F, WP	CRJ
25	1577	1	DNA data base and data bank	C	I	L	CRJ
25	2003	5	Concealed firearms permits, access to confidential records	A	I		CRJ
25	2006		Concealed firearms permits – applications	C	I	WP	CRJ
25	2806	8	Maine Criminal Justice Academy – misconduct info	C	I	T	CRJ
25	2929	1, 2, 3, 4	Emergency services communications	C, P	I	L	CRJ
25	2929	2	* Public safety answering point records	C, P	NS	L, F	CRJ
25	2957		Maine Drug Enforcement Act – investigative records	C	NS		CRJ
32	92		Emergency Medical Services' Board - reports, info records	C, P	I	SC, WP	CRJ
32	9405	4	Private security guards, info for licensing purposes	A	I		CRJ
32	9410-A	5	Private security guards, info for licensing purposes	A	I		CRJ

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32	9418		Private security guards, info collected by commissioner for licensing	C	I	WP	CRJ
15	101-C	3	Mental responsibility for criminal conduct, records necessary to conduct evaluation	C	I	SC, L	CRJ/ JUD?
29-A	2405	3	Reporting of OUI – physician-patient privilege	A	I		CRJ?
32	87-B	3	Emergency Medical Services' Board, trauma incidence registry	C	I		CRJ?
32	88	4	Emergency Medical Services' Board, letter of guidance or concern	D	NS		CRJ?
32	92-A	2	Emergency Medical Services' Board, quality assurance activities	C	NS	N	CRJ?
20-A	10206	2	Education, Energy Testing Laboratory of Maine (ETLM) records	NPR	I, E		EDU
20-A	13004	2	Certification and registration of teachers; application and certification	C	I	L	EDU
20-A	13004	2-A	Certification and registration of teachers; complaints, charges, accusations	C	I	SC	EDU
20-A	13015	5	Educational personnel, support system, teacher action plan	C	I, G	L	EDU
20-A	13034		Teacher qualifying exam scores	C	I	L	EDU
20-A	4502	5	School approval standards. Access to confidential info	P	I		EDU
20-A	5001-A	3	* Education - home schooling records	C, P	I	WP, T	EDU
20-A	6001	3	Education records: students	C	I	L, WP	EDU
20-A	6001-B	2	* Education - health records	P	I		EDU
20-A	6101	3	School records: employees and applicants	C	I	L	EDU
20-A	6102	1	School records: employees and applicants	A	I		EDU
20-A	6103	3	School records: employees and applicants, background checks	C	I	L	EDU

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TITLE	SECTION	SUB-SECTION	SUBJECT	STATUTE TYPE	SUBJECT OF RECORD	PERMITTED RELEASE	Likely JSC
20-A	6205		Standards and assessments of student performance	C	I	L	EDU
20-A	6357	1	School records: students, immunization	C	I	L	EDU
05	95	11	Archives patrons	C	I	WP, SC	EDU
27	121		Library records – identity of patron	C	I	WP, SC	EDU
20-A	254	12	Juvenile reintegration planning, standards for access to confidential records	P	I		EDU/ CRJ?
15	3009	2	Info related to reintegration of juvenile into school	C	I	N	EDU/ CRJ?
20-A	4008	2	School counselor/social worker, info from counseling relationship	C	I	L	EDU?
27	377		Location of site in possession of State agency for archeological research	C, P	NS	L	EDU?
22	666	3	State Nuclear Safety Program, identity of person providing info about unsafe activities, conduct or operation, or license violation	C	I	WP	HHS/ UTE
24	2510	1	Maine Health Security Act, professional competence reports	C	I, E	L, SC	HHS
34-B	1205	5	BDS, Office of Advocacy – requests for action	C	I	L	HHS
34-B	1207	1	BDS, commitment, medical, administrative records, applications, reports to person pertaining to person receiving services	C	I	L, SC, WP	HHS
34-B	1216	3	Mental health, Consumer Advisory Board	C, P	I		HHS
34-B	5605		Mental retardation – records of persons receiving services	C	I	L, SC, WP	HHS
34-B	7014	1	BDS, Sterilization – court proceedings	C	I	WP	HHS
05	19506	1	Protection and advocacy for persons with disabilities	A	I		HHS
05	20047	1	Office of Substance Abuse, registration and other records of treatment facilities, privileged to the patient	C	I	WP	HHS
22	1494		Occupational disease reporting	C	I	L, SC, WP	HHS

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22	1692-B	1	Environmental health programs, records filed by physicians, hospitals or other public or private orgs - disease surveillance	A	NS	F	HHS
22	1711-C		Individual's health care information	C, P	I	L, WP	HHS
22	1828		Medicaid and licensing of hospitals	C, P	I	SC, WP, L, F	HHS
22	1885	1	Hospital Cooperation Act, info provided to AG	C	E		HHS
22	2699	7	* Prescription drug marketing costs submitted to DHS	C	E	L	HHS
22	3173		Aid to needy persons, DHS sharing info with Superintendent of insurance	P	NS	F	HHS
22	3192	13	Community Health Access Program - info in medical data collection system	C	NS	L	HHS
22	4087-A	6	Child and family services complaint or inquiry - Ombudsman program	C	NS	WP, SC	HHS
22	42	5	DHS - public health records	C	I	L, WP	HHS
22	4306		General assistance records	C	I	WP	HHS
22	4314	4	Cooperation in administration of general assistance	A, P	I	F	HHS
22	5328	1	Community services records - information provided by applicant for services, info about provider of services	C	I, E	L, WP	HHS
22	7703	2	Facilities for children and adults	C	I	SC, WP	HHS
22	811	6	Control of communicable diseases, hearing on testing or admission for treatment	C	I	WP	HHS
22	815	1	Communicable diseases info disclosed to Dept. in confidence	C	I	L	HHS
22	824		Names of persons having or suspected of having a communicable disease	C	I	L, F	HHS
22	8704	10	Maine Health Data Organization	P	NS		HHS
22	8707		Maine Health Data Organization	P, C	I, E	L	HHS
22	8754		Sentinel events reporting and filing	C, P	I, E	N, L	HHS
22	8824	2	Newborn hearing program tracking information	C	I	L	HHS

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22	8943		Registry for birth defects	C, P	I	L	HHS
22	4008	1	Child protective records	C	I	L, SC	HHS/ JUD
22	3474	1	Adult protective records	C	I	L, SC	HHS/ JUD?
22	4008	3-A	Proceedings and records of child death and serious injury review panel	C	NS	N	HHS/ JUD?
22	3292		Info for personnel and licensure actions	P	I, E?	L	HHS?
22	3293		DHS - info relevant to grievance or disciplinary procedure	P	I, G	L	HHS?
24-A	1420-N	6	Insurance producer	C	NS	L	IFS
24-A	1905	1	Insurance administrator, credit and investigative report	C	NS		IFS
24-A	1911		Insurance administrator, audit and examination	C	I		IFS
24-A	216	2, 3	Superintendent of Insurance – complaint and investigation records	C	NS	L, SC	IFS
24-A	216	5	Superintendent of Insurance – information received from agencies	P	NS	L, F	IFS
24-A	2204	4	Ins information and privacy act – investigative info (def)	C	I?		IFS
24-A	2215	1	Ins information and privacy act – confidential info, marketing	C	I	N	IFS
24-A	222	13	Insurance – registration statement, tender offer, request or invitation for tender offers, option to purchase, agreement to merge, contract to manage filed with Superintendent of Insurance	C	E	L	IFS
24-A	225	3	Insurance examination report, all materials	C	E	L, F	IFS
09-B	226	3	Info furnished to Bureau of Financial Institutions	P	NS	F	IFS
24-A	226	2	Insurance examination reports furnished to Gov, AG, Treasurer, pending final decision	C	E	T	IFS

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24-A	227		Insurance examination report, info pertaining to individuals	C	I		IFS
09-A	2-304	2	Consumer loans, supervised lenders, annual reports	C	E		IFS
24-A	2304-A	7	Ins – rate filings	C	E	T	IFS
24-A	2304-C	3, 5	Physicians and surgeons liability ins rates	P	NS	L, F	IFS
24-A	2315		Ins – rates and rating orgs, stamping bureau	C	E		IFS
24-A	2323	4	Ins – rates and rating orgs, loss or expense experience	C	E	N	IFS
24-A	2412	8	Ins – contract, forms	C	E	T	IFS
09-B	252	3-A	Info furnished to Bureau of Financial Institutions	P	NS		IFS
24-A	3413	2	Stock and mutual insurers – use of info	P	E		IFS
24-A	414	4	Info provided to Superintendent of Insurance by NAIC	P	E	L, SC	IFS
24-A	414	5	Ins certificate of authority audit – work papers	C	NS	N	IFS
24-A	4204	2-A	Health maintenance orgs – quality assurance programs	C	NS	L	IFS
24-A	4224	2	Health maintenance orgs – quality assurance committees	C	NS	L, F	IFS
24-A	4233	2	Health maintenance orgs – work papers with superintendent	C	NS	N	IFS
24-A	423-C	4	Ins, reports of material transactions	C	NS	L, WP	IFS
24-A	4245	1	Health maintenance orgs – NCQA accreditation survey report	C	NS	N, L	IFS
24-A	4303	3	Health Plan requirements – enrollee	P	I	WP	IFS
24-A	4406	3	Ins – delinquent insurers	C	NS	L, WP	IFS
24-A	4612	3	Maine Life and Health Insurance Guaranty Association – reports and recommendations of board	P	E		IFS
09-A	6-116		Office of Consumer Credit Regulation	C	I, E	SC	IFS
09-A	6-117	3	Info furnished to Office of Consumer Credit Regulation	P	NS	F	IFS
24-A	6458	1	Ins – risk-based capital stands	P	E		IFS
24-A	6708	2	Ins – captive ins companies – examination documents	C	E	L, F	IFS
24-A	6715		Ins – captive ins companies – info submitted to supt	C	NS	L, F	IFS

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24-A	6807	2	Viatical settlements – examinations	C	I	L	IFS
24-A	952-A	4	Life ins, actuarial opinion of reserves	C	E	N	IFS
22	3188	4	Maine Managed Care Insurance Plan Demonstration for Uninsured Individuals	C	I, E	WP	IFS
24	2307	3	Nonprofit hospital or medical service organizations, accountant's work papers in custody and control of Superintendent of Insurance	C	E	N	IFS
32	10701	5-A	* Securities - disclosure of nonpublic information from investigation, protection of investors or public	D	NS		IFS
32	10701	4	Maine Securities Act, info furnished by agency to administrator	C, P	NS	F	IFS
24-A	6907	2	* Dirigo Health - health information (covered by HIPAA)	C	I	N	IFS/ HHS
24-A	6907	1	* Dirigo Health - personally identifiable financial information obtained	C	I	N	IFS/ HHS
24-A	2384-B	8	Ins – workers comp rating; claims, self-insurance	C	I, E		IFS/ LAB?
24-A	2384-C	7	Ins – workers comp rating; claims, self-insurance	C	I, E		IFS/ LAB?
24	2604		Maine Health Security Act, liability claims reports maintained by Superintendent of Insurance	C	I, E	N, L	IFS?
12	7365	7	Whitewater outfitters, affiliated outfitter records	C	E	L	IFW
19-A	1565	4	Uniform Act on Paternity, social security numbers	C	I	L	JUD
19-A	1653	6	Parental rights and responsibilities, domestic abuse, address of child and victim	C	I	L	JUD
19-A	2006	10	Child support guidelines, social security numbers	C	I	L	JUD
19-A	2152	11	Child support enforcement - information collected for	C	I	L	JUD

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			medical support and child support enforcement				
18-A	2-901		Will deposited with Probate Court	C, P	I	L	JUD
19-A	3012		* Uniform Interstate Family Support Act - if disclosure of specific identifying information would jeopardize health, safety or liberty of a party or child	C, P	I	SC	JUD
19-A	4013	4	Domestic Abuse Homicide Review Panel, proceedings and records	C	I, G	N	JUD
19-A	651	2	Marriage application, social security numbers	C	I	N	JUD
19-A	908		Divorce, social security numbers	C	I	L	JUD
18-A	9-304	(a-1)	Adoption, background checks	C	I	L	JUD
18-A	9-308	(c)	Adoption, final decree	C	I	L	JUD
18-A	9-310		Adoption records, adoption decreed after 8/8/53	C	I	L	JUD
01	402	3	Freedom of access, public records, exemption	C, P	G, I		JUD
01	402	3	* Architecture, design, access, authentication, encryption, security of information technology infrastructure and systems	C	G		JUD
04	17	3	State Court Administrator, complaints and investigative files	C	NS	L	JUD
04	809		Attorneys, investigation by AG	C	NS	L	JUD
05	10203-C	3	HIV testing, judicial consent	C	I	WP	JUD
05	200-H	5	* Maine Elder Death Analysis Review Team - access to confidential information	A	I		JUD
05	200-H	6	* Maine Elder Death Analysis Review Team - proceedings and records	C	NS	L	JUD
05	22009	2	* Baxter Compensation Program - claimant info	C	I	L	JUD
05	4572	2	Human Rights Act, employment discrimination, medical condition or history of applicant (applies to covered employers)	C	I	L	JUD
05	4573	2	Human Rights Act, employment discrimination, records of	C	I		JUD

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			mental or physical disability (applies to covered employers)				
05	4612	5	Human Rights Commission, 3rd party records	C, P	I		JUD
05	90-B	7	Address Confidentiality Program	C	I	N	JUD
14	1254-A	7	Jurors – names and juror qualification forms	C	I	L	JUD
14	164-A	3	* Maine Assistance Program for Lawyers	C	I	WP	JUD
16	614	1	Criminal History Record Information Act; intelligence and investigative info	C	I, E. G	L	JUD
22	1597-A	6	Petition for court order consenting to minor's abortion	C	I	Impounded	JUD
22	17	7	Access to records of individuals who owe child support	C	I	L	JUD
22	2706-A	6	Adoption contact files	C	I	WP	JUD
22	3022	8, 12, 13	Medical Examiner info	C	I, G	L, SC	JUD
22	3034	2	Chief Medical Examiner - missing persons files	C	I	T	JUD
22	4015		Confidential communications - husband-wife, physician, psychotherapist-patient privileges abrogated for child protective	A	NS	F	JUD
22	4018	4	Info of person delivering child to safe haven	C	I	L, SC	JUD
22	832	3	Hearing for judicial consent for blood-borne pathogen source of exposure	Not declared confidential; "may not be released to the public"	I	L	JUD
24	2853	1-A	Maine Health Security Act - notice of claim	C	E	T	JUD
24	2857	1, 2	Mandatory Prelitigation Screening and Mediation Panels proceedings	C	NS	L	JUD
33	1971	4	Unclaimed Property Act – info derived from reports	C	NS	L, F	JUD
04	1701	7	Judicial Compensation Commission – working papers in possession of legislative employee	T1,§402	G		JUD/ AFA

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05	3360-D	4		C	NS	L, F	JUD/ CRJ
24	2510-A			C	NS	N, WP	JUD/ HHS
22	1596			C, P	I		JUD/ HHS
34-B	3864	5		C	NS	WP	JUD?
34-B	5475	3		C	NS	WP	JUD?
34-B	5476	6		C	NS	WP	JUD?
05	200-E	4		A	I	WP, SC, L	JUD?
05	7070-A			A	I	T	JUD?
10	1109	4		C	E		JUD?
39-A	153	9		C	NS		LAB
39-A	153	5	records, correspondence, reports	C	NS	SC	LAB
39-A	355	11	Workers' Compensation, Supplemental Benefits Oversight Committee – records and proceedings relating to individual claims	NPR	I		LAB
39-A	403	15	Workers' Compensation – written, printed, graphic matter, data compilation	C	I, E	L	LAB
05	17057	1	Maine State Retirement System, information not public	C	I	L	LAB
22	3295		Info provided for unemployment compensation, state employee	P	I	L	LAB
26	1082	7	Unemployment compensation – final adjudicatory decisions	A	I	L	LAB
26	1082	7	Unemployment compensation – individual information in records and reports of employer	C	NS	L	LAB

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26	1311		* Wage and benefit reports filed by contractor with DOL - protection of personal information	P	I		LAB
26	3		Labor – general provisions; info, reports and records of director	C	NS	L	LAB
26	43		Bur of Labor Standards - names of persons, firms or corporations providing information	C	I, E	WP	LAB
26	665	1	Minimum wage – employer records submitted to dir	C	NS	L	LAB
26	934		State Bd of Arbitration and Conciliation – report	C	NS	T	LAB
26	939		State Bd of Arbitration and Conciliation – info disclosed by party	C	NS	L	LAB
24-A	2393	2	Workers comp pool – self-ins, surcharges	C	NS		LAB/ IFS
39-A	403	3	Workers' Compensation – insurance and self-insurance, certification	P	E		LAB/ IFS
39-A	409		Workers' Compensation – info filed by self-insurers	C	E		LAB/ IFS
26	979-Q	2	State Employees Labor Relations Act grievance info	P, C	NS	L	LAB/ SLG?
26	1419-B	5	Rehab, Deaf and hard-of-hearing, assessment on telecommunications carriers protective order	C	NS		LAB/ UTE?
26	1419-A	5	Rehab, Deaf and hard-of-hearing, assessment on telecommunications carriers protective order	C	NS		LAB?/ UTE?
37-B			Bur of Veterans' Services, claims for benefits	C	I	WP, L. SC	LVA
21-A	22	2	Ballots	NPR	Ballots		LVA
37-B	395		Maine Military Authority – financial records	C	G		LVA
21-A	737-A	7	Disputed ballots	NPR	Ballots		LVA
28-A	755		Liquor licensees – business and financial records	C	E		LVA

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21-A	764		Applications and envelopes for absentee ballots	NPR	Ballot apps & envelopes	L	LVA
37-B	797	7	MEMA. Chemical inventory reporting - transportation routes	C	E	L, F	LVA
01	1013	2	Governmental Ethics Commission records, info received; exceptions	C	G, I		LVA
01	1013	3	Governmental Ethics Commission, complaints	C	I	T	LVA
08	416-A	9	Tri-State Lotto, personal records in connection with payment of prize	C	I	L	LVA
10	9012	1	Info provided to Manufactured Housing Board	C	E		LVA
12	6072	10	* Aquaculture leasing - seeding and harvesting report	C	E		MAR
12	6072-A	10	* aquaculture leasing - research and development reports	C	E		MAR
12	6072-A	17	Marine Resources, aquaculture leases research and development info	C	E	L	MAR
12	6077	4	Aquaculture monitoring program	C	E	WP, L	MAR
12	6078-A	1	* Aquaculture Monitoring, Research and Development Fund - harvest information from leaseholders	C	E		MAR
12	6173	1	* Marine Resources - fisheries information collected by and reported to Commissioner	C	E	SC, L, F	MAR
12	6173		Marine resources statistics	C	I, E	L	MAR
12	6310	3	Lobster and crab license denial appeals – medical info	C	I		MAR
12	6431-F	3	Appeal of trap tag denial – medical info	C	I		MAR
12	6455	1-A	Lobster Promotion Council - market studies or promotional plans	C	E	L	MAR
38	1310-B	2	Hazardous waste information	C, P	E	L	NAT
38	1661-A	4	Mercury-added products and services – info submitted to DEP	C, P	E		NAT

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TITLE	SECTION	SUB-SECTION	SUBJECT	STATUTE TYPE	SUBJECT OF RECORD	PERMITTED RELEASE	Likely JSC
38	1671		Mercury-added products and services – interstate clearinghouse	P	NS		NAT
38	2303	5	Toxics use and hazardous waste reduction – progress evaluation, report by DEP	P	E		NAT
38	2307-A	1, 5	Toxics use and hazardous waste reduction – facility plan	C, P	E		NAT
38	2309	1	Toxics use and hazardous waste reduction – data collection and dissemination	P	E		NAT
38	2313	2	Toxics use and hazardous waste reduction – trade secrets	P	E		NAT
38	343-F		DEP – reporting and disclosure requirements	P	NS		NAT
38	345-A	4	DEP/BEP – records, books, records	C, P	E		NAT
38	414	6	BEP – records, reports or information obtained by BEP in license application procedure	C, P	E		NAT
38	470-D		BEP – individual water withdrawal reports	C	E		NAT
38	585-C	2	Hazardous air pollutant emissions inventory	C, P	E		NAT
01	535	3	InforME network manager, access to carry out duties	A	NS	F	SLG
01	535	2	InforME network manager, maintain confidentiality	P	NS		SLG
01	538	3	InforME subscriber information	C	I	WP, SC	SLG
03	997	1, 3	OPEGA, program evaluation working papers	C	G	T	SLG
03	997	5	OPEGA, working papers	C	G	T, L	SLG
03	997	4	* OPEGA - access to records, chapter 21	A	NS		SLG
03	997	4, 6	OPEGA, access to confidential records	A, C	NS	F	SLG
05	1545		Accounts and control, outstanding and unpaid checks	C	G?	L	SLG
05	1743	5	Public improvement construction contracts, evaluations of proposals	C	E	T	SLG
05	1747	3	Public improvements contracts, prebid qualification	C	E	N	SLG
05	1886	12	Bureau of Information Services, rules	P	NS		SLG

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05	1976	1	Misuse of State government computer system, computer codes, etc. = trade secrets	C	E		SLG
05	244-C	3	Department of Audit, working papers	C	G	L	SLG
05	244-C	2	Department of Audit, access to confidential records	A, C	NS	F	SLG
05	7036	28	* State Civil Service System - Policy regarding complaints against state employees; does not authorize release of confidential info	P	I	N	SLG
05	7070	1	State employee applicants - confidential records	C	I	N, L	SLG
05	7070	2, 4	State employees - personal information	C, P	I	N, l, T, F	SLG
05	791		Code of Fair Practices and Affirmative Action, records and correspondence in certification	C	E, I	N	SLG
05	9057	6	Administrative Procedure Act, adjudicatory proceedings	A, P	NS	L, SC	SLG
05	9059	3	Administrative Procedure Act, record of adjudicatory proceeding	P	NS		SLG
05	957	5	State Employee Assistance Program, client records	C	I		SLG
26	685	3	Substance abuse testing by employer	C	I	L	SLG
26	979-Q	2	State Employees Labor Relations Act – personnel records in possession of Bur of Employee Relations	P, C	I		SLG
30-A	2702	1	Municipal personnel records	C	I	L, T	SLG/ JUD
30-A	2702	1-A	Municipal personnel records, investigations of deadly force	C, A	I	T	SLG/ JUD
30-A	503	1	County personnel records	C	I	L, T	SLG/ JUD
30-A	503	1-A	County personnel records, investigations of deadly force	C, A	I	T	SLG/ JUD
03	156 &		Legislative confirmation of appointments, prehearing	T1 c.13	NS	T	SLG?

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	159		conference materials				
05	3304	3	State Planning Office director, confidential records	P	NS		SLG?
30-A	5242	13	Tax Increment Financing Districts	C, P	I, E		TAX
22	1580-L	10	* Tobacco Product Manufacturers - Bureau of Revenue Services disclose tax information to AG	A	E		TAX
36	191	3-A	* Additional restrictions for proprietary information provided to State Tax Assessor for preparing legislation or legislative analysis	P	NS		TAX
36	6760		Employment tax increment financing	C, P	I, E		TAX
36	7113	4	Multistate Tax Compact – information obtained in audit	C, P	NS		TAX
36	579		Tree Growth Tax Law, forest management plan	C	NS		TAX/ ACF
36	841	2	Property tax abatement application information, proceedings	C	NS		TAX/ SLG?
29-A	1258	7	Driver's licenses – Medical Advisory Board report	C	I	WP	TRA
29-A	1401	6	Driver's license – digital image	C	I	L	TRA
29-A	152	3	Motor vehicles – Secretary of State, data processing information files	C, P	G		TRA
29-A	251	3	Motor vehicles – written complaints, control numbers in titling vehicles	C?	G		TRA
29-A	253		Motor vehicles – nongovernment vehicle info	C	NS	T	TRA
29-A	257		* Secretary of State/Motor Vehicles - confidentiality of information technology system	C	G		TRA
29-A	517	4	Motor vehicle records – unmarked law enforcement vehicles, registration	C	G	L	TRA
23	1980	2-B	Recorded images to enforce tolls	C	I	L	TRA
23	1982		Patrons of turnpike	C	NS	L	TRA

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23	63		Records of right-of-way divisions of DOT and Turnpike Authority	C	E	T	TRA
23	753-A	3, 4, 5	State highways - design-build contracts	C	E	T	TRA
23	8115		Northern New England Passenger Rail Authority - projects	C	E		TRA
29-A	255	1	Motor vehicle records – driver's license and registration if protection order, etc.	C	I	L, F	TRA?
35-A	114	1	Utility personnel records	C	I	L	UTE
35-A	1311-A	1	PUC – protective orders	C	E	L	UTE
35-A	1311-B	1, 2, 4	Public utility technical information	C, P	E	L	UTE
35-A	1316-A		PUC – communication re utility violation	C	I, E		UTE
35-A	3203	3	PUC – informational filings, individual service contracts	A	I, E		UTE
35-A	704	5	Utility records – customer information	C	I	L	UTE
05	3305-B	1	State Planning Office, energy policy	C	E		UTE
35-A	8703	5	Telecommunication relay services	C	NS		UTE?
10	1675		Petroleum Market Share Act, info received by AG	C	E		UTE?

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