

# RIGHT TO KNOW ADVISORY COMMITTEE

## DRAFT AGENDA

October 3, 2013

1:00 p.m.

Room 126, State House, Augusta

### Convene

1. Welcome and Introductions
2. Public Access Ombudsman Update - Brenda Kielty
3. Subcommittee Updates
  - Bulk Records/Public Policy Subcommittee  
Chris Parr, Chair
  - Legislative Subcommittee  
Judy Meyer, Chair
  - Public Records Exceptions Subcommittee  
Suzanne Goucher, Chair
4. Other?
5. Schedules
  - Right to Know Advisory Committee
    - Tuesday, November 12, 2013, 1:00 p.m.
    - *Need to reschedule: Tuesday, December 10, 2013, 1:00 p.m. – to Tuesday, December 17, 2013 at 1:00 p.m.?*
  - Public Records Exceptions Subcommittee
    - Monday, November 4, 2013, 1:00 p.m.

### Adjourn



**Public Records Exception Subcommittee**  
**October 3<sup>rd</sup> Report to Right to Know Advisory Committee**

The Public Records Exception Subcommittee has 3 members---Suzanne Goucher, Linda Pistner and MaryAnn Lynch. The Subcommittee has met twice: September 11 and September 25. The next meeting is scheduled for November 4 at 1:00 pm.

**Issues Under Consideration by the Subcommittee:**

1. Title 22, section 8754, reporting of sentinel events

**Report/Subcommittee recommendation:** The Subcommittee agreed to table discussion of this exception to the next meeting. Members have reviewed research on other state laws prepared by the Advisory Committee's extern, Stephen Wagner, and have asked for additional about the experience of other states, like California, Florida and Minnesota, which publicly disclose information about specific sentinel events. Members have also reviewed websites and other sources of publicly reported data about the quality of health care provided by hospitals, health care facilities and health care practitioners and have requested an analysis of the types of reports required under the sentinel event reporting law to federal reporting requirements for hospitals to determine if similar information is disclosed to the public by other measures.

2. Exceptions Included in LD 420, An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions:

- Title 22, sections 1696-D and 1696-F, related to the Community Right-to-Know Act
- Title 26, section 3, relating to information, reports and records of the Director of Labor Standards within the Department of Labor
- Title 26, section 934, relating to report of the State Board of Arbitration and Conciliation in labor dispute
- Title 29-A, section 152, subsection 3, relating to the Secretary of State's data processing information files concerning motor vehicles
- Title 29-A, section 257, relating to the Secretary of State's motor vehicle information technology system
- Title 29-A, section 517, subsection 4, relating to motor vehicle records concerning unmarked law enforcement vehicles
- Title 38, section 585-B, subsection 6, paragraph C, relating to mercury reduction plans for air emission source emitting mercury
- Title 38, section 585-C, subsection 2, relating to the hazardous air pollutant emissions inventory

**Report/Subcommittee recommendation:** The Subcommittee voted 3-0 to recommend that the provisions included in LD 420 to amend these public records exceptions move forward as proposed in the bill (and previously approved in 2012 by the Advisory Committee). The Subcommittee also agreed to recommend that Advisory Committee write a letter to the legislative policy committees concerning the two provisions in the Community Right-to-Know Act informing the committees that the Act has never been implemented and asking the committee to consider whether to recommend repeal of the Act. The Subcommittee will review a draft letter at their next meeting.

3. Exceptions Tabled by Subcommittee in 2012 in Titles 26 through 39-A

**Report/Subcommittee recommendation:** The Subcommittee is charged with review of 27 exceptions tabled by the Subcommittee in 2012; the previous Subcommittee did not make any recommendation with regard to any of these exceptions.

**Public Records Exception Subcommittee**  
**October 3<sup>rd</sup> Report to Right to Know Advisory Committee**

As of September 25, 2013, the Subcommittee has taken the following actions by unanimous vote.

Continued without change

Title 30-A, section 503, subsection 1-A, relating to county personnel records concerning the use of force

Title 30-A, section 2702, subsection 1-A, relating to municipal personnel records concerning the use of force

Title 32, section 2599, relating to medical staff reviews and hospital reviews – osteopathic physicians

Title 32, section 3296, relating to Board of Licensure in Medicine medical review committees

Title 32, section 13006, relating to real estate grievance and professional standards committees hearings

Title 32, section 16607, subsection 2, relating to records obtained or filed under the Maine Securities Act

Title 34-A, section 5210, subsection 4, relating to the State Parole Board report to the Governor

Title 35-A, section 1311-B, subsections 1, 2 and 4, relating to public utility technical operations information

Title 35-A, section 1316-A, relating to Public Utilities Commission communications concerning utility violations

Title 35-A, section 9207, subsection 1, relating to information about communications service providers

Title 36, section 575-A, subsection 2, relating to forest management and harvest plan provided to Bureau of Forestry and information collected for compliance assessment for Tree Growth Tax Law

Title 36, section 579, relating to the Maine Tree Growth Tax Law concerning forest management plans

Title 37-B, section 797, subsection 7, relating to Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency reports of hazardous substance transportation routes

Amend, but approval of draft language pending

Title 35-A, section 8703, subsection 5, relating to telecommunications relay service communications

**Public Records Exception Subcommittee**  
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Continue without change but will review in 2014

Title 36, section 1106-A, subsection 3, paragraph D, relating to forest management and harvest plan made available for Farm and Open Space Tax Law

Tabled; no action taken

Title 28-A, section 755, relating to liquor licensees' business and financial records

Title 37-B, section 708, subsection 3, relating to documents collected or produced by the Homeland Security Advisory Council

Title 38, section 414, subsection 6, relating to records and reports obtained by the Board of Environmental Protection in water pollution control license application procedures

Title 38, section 470-D, relating to individual water withdrawal reports

No discussion by Subcommittee yet

Title 38, section 1310-B, subsection 2, relating to hazardous waste information, information on mercury-added products and electronic devices and mercury reduction plans

Title 38, section 1610, subsection 6-A, paragraph F, relating to annual sales data on the number and type of computer monitors and televisions sold by the manufacturer in this State over the previous 5 years

Title 38, section 1661-A, subsection 4, relating to information submitted to the Department of Environmental Protection concerning mercury-added products

Title 38, section 2307-A, subsections 1 and 5, relating to information submitted to the Department of Environmental Protection concerning toxics use and hazardous waste reduction

Title 39-A, section 153, subsection 9, relating to the Workers' Compensation Board audit working papers

Title 39-A, section 355-B, subsection 11, relating to records and proceedings of the Workers' Compensation Supplemental Benefits Oversight Committee concerning individual claims

Title 39-A, section 403, subsection 3, relating to workers' compensation self-insurers proof of solvency and financial ability to pay

Title 39-A, section 403, subsection 15, relating to records of workers' compensation self-insurers

Title 39-A, section 409, relating to workers' compensation information filed by insurers concerning the assessment for expenses of administering self-insurers' workers' compensation program