

Sec. 1. 10 MRSA §945-J is amended to read:

10 §945-J. Confidential records

The following records and proceedings of the center are ~~confidential and are not open to public inspection~~ for the purposes of Title 1, chapter 13, except as otherwise provided in this section.

1. Proprietary information; other information. Information provided to or developed by the center and included in a business or marketing plan is ~~confidential so long as public unless~~ the person to whom the information belongs or pertains requests that it be designated as confidential and that the center has determined contains proprietary information, trade secrets or commercial or financial information, the release of which could be competitively harmful to the person to whom the information belongs, could impair the center's ability in the future to obtain similar necessary information and could affect other center interests, such as program effectiveness and compliance. ~~if, when made available, the information would allow a person to obtain a business or competitive advantage over another person or would result in significant detriment to the person to whom the information belongs and when the information is not otherwise available in the public domain.~~ For purposes of this subsection, the following terms have the following meanings.

A. "Commercial or financial information" means information related to businesses, commerce, trade, employment, profits or finances, including personal finances.

B. "Trade secret" means a secret, commercially valuable plan, formula, process or device that is used for the making, preparing, compounding or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort. There must be a direct relationship between the trade secret and the productive process.

2. Tax or financial information. Any financial statement, supporting data or tax return of any person is confidential.

3. Credit assessment. Any record obtained by the center that contains an assessment of the credit worthiness, credit rating or financial condition of any person is confidential.

This section does not prohibit the disclosure of information that is otherwise available in the public domain.

SUMMARY