

**Public Records Exceptions Subcommittee**

**Existing Public Records Exceptions, Title 22 and Titles 26 – 39-A  
Statutes remaining after 2012 review**

Revised 8/2/2013 9:31 AM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATIONS	ADVISORY COMMITTEE ACTION ON RECOMMENDATIONS
1	22	1696-D		Title 22, section 1696-D, relating to the identity of chemical substances in use or present at a specific location if the substance is a trade secret	<ul style="list-style-type: none"> <li>• DHHS</li> </ul>	<ul style="list-style-type: none"> <li>• No record of any experience</li> <li>• No changes</li> </ul>	11/4/10: tabled 9/12/11: REPEAL 5-1 (LP) 9/29/11: wait for additional information 11/17/11: No change with letter to ENR and HHS – review letter 12/8/11: Approved letter	12/8/11: No change with letter to ENR and HHS  2012: Proposed amendment (LD 420)
2	22	1696-F		Title 22, section 1696-F, relating to the identity of a specific toxic or hazardous substance if the substance is a trade secret	<ul style="list-style-type: none"> <li>• DHHS</li> </ul>	<ul style="list-style-type: none"> <li>• No record of any experience</li> <li>• No changes</li> </ul>	11/4/10: tabled 9/12/11: REPEAL 5-1 (LP) 9/29/11: wait for additional information 11/17/11: No change with letter to ENR and HHS – review letter 12/8/11: Approved letter	12/8/11: No change with letter to ENR and HHS  2012: Proposed amendment (LD 420)

**Public Records Exceptions Subcommittee**

**Existing Public Records Exceptions, Title 22 and Titles 26 – 39-A  
Statutes remaining after 2012 review**

Revised 8/2/2013 9:31 AM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATIONS	ADVISORY COMMITTEE ACTION ON RECOMMENDATIONS
3	22	8754		Title 22, section 8754, relating to medical sentinel events and reporting	<ul style="list-style-type: none"> <li>• DHHS</li> <li>• Maine Hospital Assn</li> <li>• Maine Medical Assn</li> <li>• Maine Medical Mutual Ins. Co.</li> <li>• Maine Osteopathic Assn</li> </ul>	<ul style="list-style-type: none"> <li>• No requests known</li> <li>• DHHS: Amend: “incidents reports and similar documents”; no change to scope of confidentiality</li> <li>• Stakeholders: No change to confidentiality</li> </ul>	12/8/11: No change; review again in 2102 8/2/12: Amend to repeal; to be drafted 9/17: Tabled---ask DHHS and others for input 10/5: Tabled 11/15: Tabled 1/11/13: Tabled---more research and discussion	12/8/11: No change; review again in 2012  2012: Tabled for review in 2013
4	26	3		Title 26, section 3, relating to information, reports and records of the Director of Labor Standards within the Department of Labor	<ul style="list-style-type: none"> <li>• DECD</li> <li>• SPO/OPM</li> <li>• DOL</li> </ul>	<ul style="list-style-type: none"> <li>• DECD</li> <li>• SPO/OPM?</li> <li>• DOL: no more than one or 2/year; NO CHANGE</li> </ul>	9/13: Tabled--discuss potential amendments with DOL 11/8: Amend; accepted draft	Propose repeal and replace (LD 420)
5	26	934		Title 26, section 934, relating to report of the State Board of Arbitration and Conciliation in labor dispute	<ul style="list-style-type: none"> <li>• State Board of Arbitration and Conciliation</li> </ul>	<ul style="list-style-type: none"> <li>• No requests</li> <li>• NO CHANGE</li> </ul>	9/13: Tabled—ask Board for input 11/8: Amend	Propose amendment (LD 420)

**Public Records Exceptions Subcommittee**

**Existing Public Records Exceptions, Title 22 and Titles 26 – 39-A  
Statutes remaining after 2012 review**

Revised 8/2/2013 9:31 AM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATIONS	ADVISORY COMMITTEE ACTION ON RECOMMENDATIONS
6	28-A	755		Title 28-A, section 755, relating to liquor licensees' business and financial records	• DAFS: BABLO	<ul style="list-style-type: none"> <li>• Not being collected now</li> <li>• Unresolved by Legislature in 125th</li> <li>• Support change but recommend NO CHANGE for now</li> </ul>	9/13: Tabled until 2013; Dept. legislation expected in 126 <sup>th</sup> Legislature, First Session	Tabled
7	29-A	152	3	Title 29-A, section 152, subsection 3, relating to the Secretary of State's data processing information files concerning motor vehicles	• SOS	<ul style="list-style-type: none"> <li>• Estimate: 12-20 times per year)</li> <li>• NO CHANGE – comply with Federal Driver Privacy Protection Act</li> </ul>	8/8: Amend	Propose amendment (LD 420)
8	29-A	257		Title 29-A, section 257, relating to the Secretary of State's motor vehicle information technology system	• SOS	<ul style="list-style-type: none"> <li>• No request</li> <li>• NO CHANGE</li> </ul>	8/8: Tabled—flag inconsistency with other provisions; ask OIT for input 9/13: Tabled 11/8: Repeal	Propose repeal (LD 420)
9	29-A	517	4	Title 29-A, section 517, subsection 4, relating to motor vehicle records concerning unmarked law enforcement vehicles	• SOS	<ul style="list-style-type: none"> <li>• Estimate: 1-2 every couple of years</li> <li>• NO CHANGE</li> </ul>	8/8: Amend—strike 2 <sup>nd</sup> ¶ because same language in #12	Propose amendment (LD 420)
10	30-A	503	1-A	Title 30-A, section 503, subsection 1-A, relating to county personnel records concerning the use of force	• Counties – Joe Brown and Tim Leet?	Kennebec County: <ul style="list-style-type: none"> <li>• No requests</li> <li>• NO CHANGES</li> </ul>	11/8: Tabled; ask AG for input	Tabled
11	30-A	2702	1-A	Title 30-A, section 2702, subsection 1-A, relating to municipal personnel records concerning the use of force	• <i>Municipalities</i>	<i>See # 20</i>	11/8: Tabled; ask AG for input	Tabled

**Public Records Exceptions Subcommittee**

**Existing Public Records Exceptions, Title 22 and Titles 26 – 39-A  
Statutes remaining after 2012 review**

Revised 8/2/2013 9:31 AM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATIONS	ADVISORY COMMITTEE ACTION ON RECOMMENDATIONS
12	32	2599		Title 32, section 2599, relating to medical staff reviews and hospital reviews – osteopathic physicians	<ul style="list-style-type: none"> <li>Osteopathic Licensing Board</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	11/8: Tabled; ask for input from Board and providers 11/15: Tabled	Tabled
13	32	3296		Title 32, section 3296, relating to Board of Licensure in Medicine medical review committees	<ul style="list-style-type: none"> <li>Medical Licensing Board</li> </ul>	<ul style="list-style-type: none"> <li>Accusations of unprofessional conduct or incompetence if found to be without merit are damaging</li> <li>Investigative records include individual patient info</li> <li>NO CHANGE</li> </ul>	11/8: Tabled; ask for input from Board and providers 11/15: Tabled	Tabled
14	32	13006		Title 32, section 13006, relating to real estate grievance and professional standards committees hearings	<ul style="list-style-type: none"> <li>Real Estate Commission</li> </ul>	<ul style="list-style-type: none"> <li>No experience; applies to records of hearings held by professional trade associations</li> <li>NO POSITION: Why part of Real Estate Brokerage Act?</li> </ul>	11/8: Tabled; ask Maine Association for input; is this necessary?	Tabled

**Public Records Exceptions Subcommittee**

**Existing Public Records Exceptions, Title 22 and Titles 26 – 39-A  
Statutes remaining after 2012 review**

Revised 8/2/2013 9:31 AM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATIONS	ADVISORY COMMITTEE ACTION ON RECOMMENDATIONS
15	32	16607	2	Title 32, section 16607, subsection 2, relating to records obtained or filed under the Maine Securities Act	<ul style="list-style-type: none"> <li>• DPFR: Securities Regulation</li> </ul>	<ul style="list-style-type: none"> <li>• Seven requests: 5 requests partially denied to protect investigative records; 2 denied because only investigative records requested</li> <li>• NO CHANGE</li> </ul>	11/8: Tabled; ask Office of Securities for input	Tabled
16	34-A	5210	4	Title 34-A, section 5210, subsection 4, relating to the State Parole Board report to the Governor	<ul style="list-style-type: none"> <li>• Dept. of Corrections</li> </ul>	<ul style="list-style-type: none"> <li>• Requested 2-3 times per year</li> <li>• AMEND: clarify that applies regardless of entity advising Governor</li> </ul>	8/8: Tabled—ask Governor’s Office for input 9/13: Tabled 11/8: Tabled	Tabled
17	35-A	1311-B	1, 2, 4	Title 35-A, section 1311-B, subsections 1, 2 and 4, relating to public utility technical operations information	<ul style="list-style-type: none"> <li>• PUC</li> </ul>	<ul style="list-style-type: none"> <li>• Occasional requests</li> <li>• NO CHANGE</li> </ul>	11/8: Tabled; ask PUC for input	Tabled
18	35-A	1316-A		Title 35-A, section 1316-A, relating to Public Utilities Commission communications concerning utility violations	<ul style="list-style-type: none"> <li>• PUC</li> </ul>	<ul style="list-style-type: none"> <li>• No requests</li> <li>• NO CHANGE</li> </ul>	11/8: Tabled; ask PUC for input	Tabled
19	35-A	8703	5	Title 35-A, section 8703, subsection 5, relating to telecommunications relay service communications	<ul style="list-style-type: none"> <li>• PUC</li> </ul>	<ul style="list-style-type: none"> <li>• Does not come through PUC</li> <li>• Could be worded more clearly</li> </ul>	11/8: Tabled; ask PUC for input	Tabled
20	35-A	9207	1	Title 35-A, section 9207, subsection 1, relating to information about communications service providers	<ul style="list-style-type: none"> <li>• <del>PUC</del></li> <li>• ConnectME Authority</li> </ul>	<ul style="list-style-type: none"> <li>• No requests</li> <li>• NO CHANGE</li> </ul>	11/8: Tabled; ask PUC for input	Tabled

**Public Records Exceptions Subcommittee**

**Existing Public Records Exceptions, Title 22 and Titles 26 – 39-A  
Statutes remaining after 2012 review**

Revised 8/2/2013 9:31 AM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATIONS	ADVISORY COMMITTEE ACTION ON RECOMMENDATIONS
21	36	575-A	2	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	<ul style="list-style-type: none"> <li>• Dept. of Conservation</li> <li>• Maine Revenue Services</li> </ul>	<p>DOC:</p> <ul style="list-style-type: none"> <li>• New, closely parallels §579</li> <li>• Never received a request under §579</li> <li>• NO CHANGES</li> </ul>	(added by PL 2011, c. 619) 11/8: Tabled; ask for input from Bureau of Forestry and MRS	Tabled
22	36	579		Title 36, section 579, relating to the Maine Tree Growth Tax Law concerning forest management plans	<ul style="list-style-type: none"> <li>• <i>Municipal assessors</i></li> <li>• Maine Revenue Services</li> </ul>	<p>MRS:</p> <ul style="list-style-type: none"> <li>• No position</li> </ul> <p>MUNICIPALITIES</p> <ul style="list-style-type: none"> <li>• 14 municipalities responded</li> <li>• Few requests</li> <li>• 7 recommend NO CHANGE</li> <li>• 2 recommend AMEND to allow Board of Assessors access</li> <li>• 5 recommend that AMEND to make plans public</li> </ul>	11/8: Tabled; ask for input from Bureau of Forestry and MRS and municipal assessors	Tabled

**Public Records Exceptions Subcommittee**

**Existing Public Records Exceptions, Title 22 and Titles 26 – 39-A  
Statutes remaining after 2012 review**

Revised 8/2/2013 9:31 AM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATIONS	ADVISORY COMMITTEE ACTION ON RECOMMENDATIONS
23	36	1106-A	3	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	<ul style="list-style-type: none"> <li>• <i>Municipal assessors</i></li> <li>• Dept. of Conservation</li> <li>• Maine Revenue Services</li> </ul>	<p>MUNICIPALITIES</p> <ul style="list-style-type: none"> <li>• 12 municipalities responded</li> <li>• No requests (new law)</li> <li>• 6 recommend NO CHANGE</li> <li>• 2 recommend AMEND to allow Board of Assessors access</li> <li>• 4 recommend AMEND to allow public access</li> </ul> <p>DOC:</p> <ul style="list-style-type: none"> <li>• New, closely parallels §579</li> <li>• Never received a request under §579</li> <li>• No provision to review plans under this section</li> <li>• NO POSITION</li> </ul> <p>MRS:</p> <ul style="list-style-type: none"> <li>• NO POSITION</li> </ul>	<p>(added by PL 2011, c. 618, §7)</p> <p>11/8: Tabled; ask for input from DOC, MRS and municipal assessors</p>	Tabled
24	37-B	708	3	Title 37-B, section 708, subsection 3, relating to documents collected or produced by the Homeland Security Advisory Council	<ul style="list-style-type: none"> <li>• DVEM: MEMA</li> </ul>	<ul style="list-style-type: none"> <li>• No requests</li> <li>• NO CHANGE</li> </ul>	11/8: Tabled; ask for more information	Tabled

**Public Records Exceptions Subcommittee**

**Existing Public Records Exceptions, Title 22 and Titles 26 – 39-A  
Statutes remaining after 2012 review**

Revised 8/2/2013 9:31 AM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATIONS	ADVISORY COMMITTEE ACTION ON RECOMMENDATIONS
25	37-B	797	7	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	<ul style="list-style-type: none"> <li>• DVEM: MEMA</li> </ul>	<ul style="list-style-type: none"> <li>• 1 – 2 request per year for general info</li> <li>• NO CHANGE</li> </ul>	11/8: Tabled; ask for more information	Tabled
26	38	414	6	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	<ul style="list-style-type: none"> <li>• DEP</li> <li>• BEP</li> </ul>	<ul style="list-style-type: none"> <li>• DEP: 1-2 requests per year</li> <li>• NO CHANGE</li> <li>• BEP: No need to access info in proceedings</li> <li>• NO POSITION; Clarify by including cross-reference to definition of trade secret?</li> </ul>	11/8: Tabled; ask DEP and BEP for more information	Tabled
27	38	470-D		Title 38, section 470-D, relating to individual water withdrawal reports	<ul style="list-style-type: none"> <li>• DEP</li> </ul>	<ul style="list-style-type: none"> <li>• No requests</li> <li>• Information reported in aggregate</li> <li>• NO CHANGE</li> </ul>	11/8: Tabled; ask DEP for more information	Tabled
28	38	585-B	6	Title 38, section 585-B, subsection 6, relating to mercury reduction plans for air emission source emitting mercury	<ul style="list-style-type: none"> <li>• DEP</li> </ul>	<ul style="list-style-type: none"> <li>• No requests by facilities to keep information confidential</li> <li>• REPEAL</li> </ul>	11/8: Amend	Propose amendment (LD 420)

**Public Records Exceptions Subcommittee**

**Existing Public Records Exceptions, Title 22 and Titles 26 – 39-A  
Statutes remaining after 2012 review**

Revised 8/2/2013 9:31 AM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATIONS	ADVISORY COMMITTEE ACTION ON RECOMMENDATIONS
29	38	585-C	2	Title 38, section 585-C, subsection 2, relating to the hazardous air pollutant emissions inventory	<ul style="list-style-type: none"> <li>• DEP</li> </ul>	<ul style="list-style-type: none"> <li>• No requests by facilities to keep information confidential for at least 10 years</li> <li>• REPEAL</li> </ul>	11/8: Amend	Propose repeal (LD 420)
30	38	1310-B	2	Title 38, section 1310-B, subsection 2, relating to hazardous waste information, information on mercury-added products and electronic devices and mercury reduction plans	<ul style="list-style-type: none"> <li>• DEP</li> </ul>	<ul style="list-style-type: none"> <li>• Few requests for each type of info;</li> <li>• Concerns that electronic filing often means DEP has multiple copies of confidential information; lack of locked storage space for confidential records</li> <li>• NO CHANGE</li> </ul>	11/8: Tabled; ask DEP for more information	Tabled
31	38	1610	6-A	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	<ul style="list-style-type: none"> <li>• DEP</li> </ul>	<ul style="list-style-type: none"> <li>• No requests</li> <li>• Manufacturers do mark portions of annual filing as confidential and info is segregated from public files</li> <li>• NO CHANGE</li> </ul>	11/8: Tabled; ask DEP for more information	Tabled

**Public Records Exceptions Subcommittee**

**Existing Public Records Exceptions, Title 22 and Titles 26 – 39-A  
Statutes remaining after 2012 review**

Revised 8/2/2013 9:31 AM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATIONS	ADVISORY COMMITTEE ACTION ON RECOMMENDATIONS
32	38	1661-A	4	Title 38, section 1661-A, subsection 4, relating to information submitted to the Department of Environmental Protection concerning mercury-added products	<ul style="list-style-type: none"> <li>• DEP</li> </ul>	<ul style="list-style-type: none"> <li>• 2 requests made for confidential info</li> <li>• DEP followed process in § 1310-B, sub-§ 2 and requested info was able to be provided or summarized info provided</li> <li>• NO CHANGE</li> </ul>	11/8: Tabled; ask DEP for more information	Tabled
33	38	2307-A	1, 5	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 (REPEALED 7/1/12)	<ul style="list-style-type: none"> <li>• DEP</li> </ul>	<ul style="list-style-type: none"> <li>• Only 1 request</li> <li>• Replaced by new statute; rules pending to implement confidentiality provision (38 MRSA § 2324, sub-§3)</li> <li>• CONTINUE; NO CHANGE</li> </ul>	11/8: Tabled; ask DEP for more information	Tabled
34	39-A	153	5	Title 39-A, section 153, subsection 5, relating to the Workers' Compensation Board abuse investigation unit	<ul style="list-style-type: none"> <li>• Workers' Compensation Board</li> </ul>	<ul style="list-style-type: none"> <li>• Average of 6 times per year</li> <li>• NO CHANGE</li> </ul>	11/8: Amend; but HOLD for review in 2013	Tabled
35	39-A	153	9	Title 39-A, section 153, subsection 9, relating to the Workers' Compensation Board audit working papers	<ul style="list-style-type: none"> <li>• Workers' Compensation Board</li> </ul>	<ul style="list-style-type: none"> <li>• No requests</li> <li>• NO CHANGE</li> </ul>	11/8: Tabled; ask WCB for more information	Tabled

**Public Records Exceptions Subcommittee**

**Existing Public Records Exceptions, Title 22 and Titles 26 – 39-A  
Statutes remaining after 2012 review**

Revised 8/2/2013 9:31 AM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATIONS	ADVISORY COMMITTEE ACTION ON RECOMMENDATIONS
36	39-A	355-B	11	Title 39-A, section 355-B, subsection 11, relating to records and proceedings of the Workers' Compensation Supplemental Benefits Oversight Committee concerning individual claims	<ul style="list-style-type: none"> <li>Workers' Compensation Board</li> </ul>	<ul style="list-style-type: none"> <li>No requests</li> <li>NO CHANGE</li> </ul>	11/8: Tabled; ask WCB for more information	Tabled
37	39-A	403	3	Title 39-A, section 403, subsection 3, relating to workers' compensation self-insurers proof of solvency and financial ability to pay	<ul style="list-style-type: none"> <li>BOI</li> </ul>	<ul style="list-style-type: none"> <li>No requests</li> <li>NO CHANGE</li> </ul>	11/8: Tabled; ask BOI for more information	Tabled
38	39-A	403	15	Title 39-A, section 403, subsection 15, relating to records of workers' compensation self-insurers	<ul style="list-style-type: none"> <li>BOI</li> </ul>	<ul style="list-style-type: none"> <li>Requests are rare</li> <li>NO CHANGE</li> </ul>	11/8: Tabled; ask BOI for more information	Tabled
39	39-A	409		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	<ul style="list-style-type: none"> <li>BOI</li> </ul>	<ul style="list-style-type: none"> <li>No requests</li> <li>AMEND; clarify that already included within § 403, sub-§ 15 exception</li> </ul>	11/8: Tabled; ask BOI for more information	Tabled

G:\STUDIES 2013\Right to Know Advisory Committee\Existing Public Records Exceptions Review\Chart - to start 2013.docx (8/2/2013 9:52:00 AM)