An Act To Facilitate Interagency Sharing of Information and Academic Research by Allowing Disclosure of Certain Confidential Information in Wood Processor and Forest Landowner Reports

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Received by the Secretary of the Senate on January 11, 2021. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed.

Presented by Senator DILL of Penobscot.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §8884, sub-§3-A is enacted to read:

3-A. Disclosure of confidential information. Notwithstanding subsection 3, confidential information may be disclosed pursuant to this subsection.

A. The director of the bureau may disclose information designated as confidential under subsection 3 to a governmental entity or the University of Maine System when that entity or the system, in the opinion of the director, requires that information.

B. The director of the bureau may not disclose information furnished by a state or federal agency when that information has been designated as confidential by the furnishing agency unless the furnishing agency authorizes the disclosure.

A recipient of information pursuant to paragraph A or B may not disclose the information or use the information except as authorized by the director of the bureau, and the information remains the property of the bureau.

Sec. 2. 12 MRSA §8884, sub-§4, as enacted by PL 2003, c. 452, Pt. F, §45 and affected by Pt. X, §2, is repealed and the following enacted in its place:

4. Penalties. A person who:

A. Fails to submit a report pursuant to this section commits a civil violation for which a fine of not more than $1,000 for each failure may be adjudged; or

B. Receives confidential information pursuant to subsection 3-A and uses that information for a purpose other than that authorized by the director of the bureau commits a civil violation for which a fine of not more than $1,000 may be adjudged.

Sec. 3. 12 MRSA §8885, sub-§5, as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is repealed and the following enacted in its place:

5. Disclosure of confidential information. Notwithstanding subsection 4, confidential information may be disclosed pursuant to this subsection.

A. The director of the bureau may disclose information designated as confidential under subsection 4 to a governmental entity or the University of Maine System when that entity or the system, in the opinion of the director, requires that information.

B. The director of the bureau may not disclose information furnished by a state or federal agency when that information has been designated as confidential by the furnishing agency unless the furnishing agency authorizes the disclosure.

A recipient of information pursuant to paragraph A or B may not disclose the information or use the information except as authorized by the director of the bureau, and the information remains the property of the bureau.

This section may not be construed to prevent the disclosure of information to duly authorized officers of the United States and of other states, districts and territories of the United States and of the provinces and Dominion of Canada. The information may be given only on the written request of the duly authorized officer when that officer's government permits the exchange of similar information with the taxing officials of this State and when that officer agrees that the information will be used only for tax collection purposes.
Sec. 4. 12 MRSA §8885, sub-§6, as enacted by PL 2003, c. 452, Pt. F, §48 and
affected by Pt. X, §2, is repealed and the following enacted in its place:

6. Penalties. A person who:

A. Fails to submit a report pursuant to this section commits a civil violation for which
a fine of not more than $1,000 for each failure may be adjudged; or

B. Receives confidential information pursuant to subsection 5 and uses that
information for a purpose other than that authorized by the director of the bureau
commits a civil violation for which a fine of not more than $1,000 may be adjudged.

SUMMARY

This bill authorizes the Director of the Bureau of Forestry within the Department of
Agriculture, Conservation and Forestry to share wood processor report and forest
landowner report information currently designated as confidential with other governmental
agencies and the University of Maine System if, in the opinion of the director, the entity
requires the information. It prohibits the director from disclosing information furnished by
a state or federal agency unless the furnishing agency authorizes the disclosure. It provides that
a recipient of confidential information may not disclose the information or use the
information except as authorized by the director and that the information remains the
property of the bureau. It also provides that a person who receives confidential information
and uses it for a purpose other than that authorized by the director commits a civil violation
punishable by a fine of not more than $1,000.