

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
H.P. 1496 - L.D. 2219

**An Act to Implement the Recommendations of the Right To Know Advisory
Committee Concerning Certain Existing Public Records Exceptions**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA §1577, sub-§2, as amended by PL 2003, c. 393, §6, is further amended to read:

2. Access to records Permissible disclosure. ~~The following persons or agencies may have access to~~ DNA records may be disclosed to the following persons or agencies:

- A. Local, county, state and federal criminal justice and law enforcement agencies, including forensic laboratories serving the agencies, for identification purposes that further official criminal investigations;
- B. The FBI for storage and maintenance of CODIS;
- C. Medical examiners and coroners for the purpose of identifying remains; and
- D. A person who has been identified and charged with a criminal offense or a juvenile crime as a result of a search of DNA records stored in the state DNA data base. A Disclosure to a person who has been identified and charged with a criminal offense or a juvenile crime has access only is limited to that person's records and any other records that person is entitled to under the Maine Rules of Evidence Unified Criminal Procedure.

Sec. 2. 26 MRSA §685, sub-§3, ¶A, as enacted by PL 1989, c. 536, §§1 and 2 and affected by c. 604, §§2 and 3, is amended to read:

- A. Unless the employee or applicant consents, all information acquired by an employer in the testing process is confidential and may not be ~~released~~ disclosed to any person other than the employee or applicant who is tested, any necessary personnel of the employer and a provider of rehabilitation or treatment services under subsection 2, paragraph C. This paragraph does not prevent:
 - (1) The ~~release~~ disclosure of this information when required or permitted by state or federal law, including ~~release~~ disclosure under section 683, subsection 8, paragraph D; or

(2) The use of this information in any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of test results.

Sec. 3. 29-A MRSA §253, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§253. Confidentiality of nongovernment vehicle records

Upon receiving a written request by an appropriate criminal justice official and showing cause that it is in the best interest of public safety, the Secretary of State may determine that records of a nongovernment vehicle ~~may be held~~ are confidential for a specific period of time, which may not exceed the expiration of the current registration.

Sec. 4. 29-A MRSA §1301, sub-§6-A, as amended by PL 2023, c. 257, §13, is further amended to read:

6-A. Confidentiality. Except as required by 18 United States Code, Section 2721(b) or as needed to implement the federal National Voter Registration Act of 1993, the federal Help America Vote Act of 2002 or other federal election law, the Secretary of State may not ~~disseminate~~ disclose information collected under subsection 6. For every willful violation of this subsection, a person commits a civil violation for which a fine of not more than \$500 may be adjudged.

Sec. 5. 29-A MRSA §2251, sub-§7-A, ¶B, as amended by PL 2023, c. 235, §9, is further amended to read:

B. Except as provided in paragraph B-1 and Title 16, section 805-A, subsection 1, paragraph F, ~~the Department of Public Safety, Bureau of State Police may not publicly disseminate~~ personally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police are confidential. ~~Such data are not public records for the purposes of Title 1, chapter 13.~~

Sec. 6. 29-A MRSA §2251, sub-§7-A, ¶B-1, as enacted by PL 2011, c. 654, §8, is amended to read:

B-1. The Department of Public Safety, Bureau of State Police may ~~disseminate~~ disclose a vehicle registration plate number contained in an accident report database maintained, administered or contributed to by the Bureau of State Police to a person only if that person provides the Bureau of State Police an affidavit stating that the person will not:

- (1) Use a vehicle registration plate number to identify or contact a person; or
- (2) ~~Disseminate~~ Disclose a vehicle registration plate number to another person.

Sec. 7. 29-A MRSA §2251, sub-§7-A, ¶C, as amended by PL 2011, c. 662, §19, is further amended to read:

C. ~~The Department of Public Safety, Bureau of State Police may publicly disseminate nonpersonally~~ Nonpersonally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police are not confidential. The cost of furnishing a copy of such data is not subject to the limitations of Title 1, section 408-A.

Sec. 8. 32 MRSA §2600-A, as enacted by PL 2001, c. 214, §1, is amended to read:
§2600-A. Confidentiality of personal information of applicant or licensee

An applicant or licensee shall provide the board with a current professional address and telephone number, which will be their public contact address, and a personal residence address ~~and~~, telephone number and e-mail address. An applicant's or licensee's personal residence address ~~and~~, telephone number is and e-mail address are confidential information and may not be disclosed except as permitted by this section or as required by law, ~~unless~~. If the personal residence address and telephone number have been provided as the public contact address, the personal residence address and telephone number are not confidential. Personal health information submitted as part of any application is confidential information and may not be disclosed except as permitted by this section or as required by law. The personal health information and personal residence address ~~and~~, telephone number and e-mail address may be provided to other governmental licensing or disciplinary authorities or to any health care providers located within or outside this State that are concerned with granting, limiting or denying a physician's employment or privileges.

Sec. 9. 32 MRSA §2600-E, sub-§1, as enacted by PL 2019, c. 499, §2, is amended to read:

1. Request for record; redaction. When the board receives a request to inspect or copy all or part of the record of an applicant or licensee, the board shall redact confidential information ~~that is not public~~ before making the record available for inspection or copying.

Sec. 10. 32 MRSA §6080, sub-§1, as enacted by PL 2023, c. 662, §2, is amended to read:

1. Confidentiality and prohibited disclosure. Except as otherwise provided in ~~subsection 2~~ this section, all information or reports obtained by the administrator from an applicant for a license, licensee or authorized delegate and all information contained in or related to an examination, investigation, operating report or condition report prepared by, on behalf of or for the use of the administrator, or financial statements, balance sheets or authorized delegate information, are confidential and are not subject to disclosure under Title 1, chapter 13.

Sec. 11. 32 MRSA §6080, sub-§2, as enacted by PL 2023, c. 662, §2, is amended to read:

2. Authorized disclosure. The administrator may disclose confidential information ~~not otherwise subject to disclosure under subsection 1~~ to representatives of state or federal agencies who certify in a record that they will maintain the confidentiality of the information or if the administrator finds that the release is reasonably necessary for the protection and interest of the public.

Sec. 12. 32 MRSA §16808, as enacted by PL 2019, c. 17, §1, is amended to read:
§16808. Records

A broker-dealer or investment adviser shall provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to the Department of Health and Human Services and to a law enforcement agency as part of a referral to the department or to a law enforcement agency or upon request of the department or a law enforcement agency pursuant to an investigation. The records may include

historical records and records relating to recent transactions that may constitute financial exploitation of an eligible adult. All records made available to agencies under this section are ~~not public records for purposes of Title 1, chapter 13, subchapter 1~~ confidential. ~~Nothing in this~~ This section limits ~~does not limit~~ or otherwise ~~impedes~~ impede the authority of the administrator to access or examine the books and records of broker-dealers and investment advisers as otherwise provided by law.