

STATE OF MAINE

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

—  
H.P. 1512 - L.D. 2236

**An Act Regarding Public Records Maintained by the Department of Inland Fisheries and Wildlife**

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

**Sec. 1. 12 MRSA §10110**, as enacted by PL 2011, c. 185, §1, is repealed.

**Sec. 2. 12 MRSA §10111** is enacted to read:

**§10111. Records and databases related to licenses, permits, registrations, harvest records and applications**

**1. Definitions.** For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commercial record" means any paper or electronic record the department holds that is intended for business operations or that allows a person or entity to charge a fee for a product or service.

B. "Data" means information existing in a paper or electronic medium that may be contained within a records database.

C. "Noncommercial record" means any paper or electronic record the department holds, including, but not limited to, a license, permit, registration, harvest record and any application for these records, that is not intended for business operations and that does not allow a person or entity to charge a fee for a product or service.

D. "Personally identifiable information" means:

(1) A person's social security number;

(2) A person's telephone number;

(3) A person's e-mail address;

(4) A person's physical address;

(5) A person's identification number in the department's online electronic system for people who hunt, fish or trap;

(6) A person's date of birth;

(7) A person's driver's license number; and

(8) A person's taxpayer identification number.

With respect to a commercial record, "personally identifiable information" does not include a person's telephone number, e-mail address or physical address.

**2. Individual records requests; confidentiality of personally identifiable information in records.** Any personally identifiable information included in any data, commercial record or noncommercial record, whether contained in a records database or in individual or multiple records, is confidential, except that the department may disclose personally identifiable information:

A. For law enforcement purposes in accordance with section 13106-E and Title 16, section 805-A;

B. For the purposes described in section 13106-E, subsection 2 or section 13157-D, subsection 2;

C. For fish and wildlife management purposes;

D. To other state and federal government entities; or

E. To the person who is the subject of the record or to that person's agent.

**3. Disclosure of data not personally identifiable.** The department may publicly disseminate data that is not personally identifiable information and may provide to persons, businesses and other entities copies of individual records and data that do not contain personally identifiable information. Notwithstanding subsection 1, paragraph D, subparagraph (4), information disseminated by the department pursuant to this subsection may include the names and mailing addresses contained within any license, permit or registration the department holds.

**4. Reasonable fees.** The department may charge reasonable fees for requests of both individual records and whole or partial databases of records at the expense of the person making the request. The cost of furnishing a copy of the record or records is not subject to the limitations of Title 1, section 408-A.

**5. Exception to archive laws.** Notwithstanding Title 5, section 95-C, subsection 1, paragraph C, personally identifiable information made confidential under this section must remain confidential until the relevant records have been in existence for 100 years.

**Sec. 3. 12 MRSA §13106-E** is enacted to read:

**§13106-E. Snowmobile accident report data**

**1. Definitions.** For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Data" means information existing in an electronic medium and contained in an accident report database.

B. "Nonpersonally identifiable accident report data" means any data in an accident report that are not personally identifiable accident report data.

C. "Personally identifiable accident report data" means:

- (1) A person's name, residential and post office box mailing address, social security number, date of birth and driver's license number;
- (2) A snowmobile registration number;
- (3) An insurance policy number;
- (4) Information contained in any free text data field of an accident report; and
- (5) Any other information contained in a data field of an accident report that may be used to identify a person.

**2. Accident report information.** An accident report made by a law enforcement officer or a report made by an operator as required by section 13106-B or 13106-C is for the purposes of statistical analysis and accident prevention. A report or statement contained in the accident report, or a report as required by section 13106-C, subsection 1, or a decision made as a result of that report or statement contained in the accident report or report required by section 13106-C, subsection 1 is confidential and may not be admitted as evidence in any trial, civil or criminal, arising out of the accident. Such a report may be admissible as evidence solely to prove compliance with this section.

Notwithstanding this section, the Game Warden Colonel may disclose the date, time and location of the accident reported under section 13106-B or 13106-C; the names and addresses of operators, owners and injured persons; the names and addresses of witnesses; and the name and address of the investigating officer. On written request, the Game Warden Colonel may furnish a photocopy of the investigating officer's report at the expense of the person making the request.

**3. Accident report database; public dissemination of accident report data.** Data maintained, administered or contributed to by the Bureau of Warden Service must be treated as follows.

A. Except as provided in paragraph B, personally identifiable accident report data maintained, administered or contributed to by the Bureau of Warden Service is confidential.

B. The Bureau of Warden Service may disseminate a snowmobile registration number contained in an accident report database maintained, administered or contributed to by the Bureau of Warden Service to a person only if that person provides the Bureau of Warden Service an affidavit stating that the person will not:

- (1) Use the snowmobile registration number to identify or contact a person; or
- (2) Disseminate the snowmobile registration number to another person.

C. The Bureau of Warden Service may publicly disseminate nonpersonally identifiable accident report data maintained, administered or contributed to by the Bureau of Warden Service.

**4. Reasonable fees.** The Bureau of Warden Service may charge reasonable fees for snowmobile accident report data. The cost of furnishing a copy of the report is not subject to the limitations of Title 1, section 408-A.

**5. Violation.** A person commits a Class E crime if that person:

A. Is an operator involved in a reportable snowmobile accident and knowingly fails to give a correct name and address when requested by a law enforcement officer at the scene;

B. Is the operator involved in a reportable snowmobile accident under this section or is the owner of a snowmobile involved in a reportable accident and knowingly fails to produce the snowmobile or, if the snowmobile is operational, return it to the scene when requested by the investigating officer; or

C. Obtains a snowmobile registration number pursuant to section 13104 and knowingly uses that snowmobile registration number to identify or contact a person or knowingly disseminates that snowmobile registration number to another person.

**Sec. 4. 12 MRSA §13157-D** is enacted to read:

**§13157-D. ATV accident report data**

**1. Definitions.** For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Data" means information existing in an electronic medium and contained in an accident report database.

B. "Nonpersonally identifiable accident report data" means any data in an accident report that are not personally identifiable accident report data.

C. "Personally identifiable accident report data" means:

(1) A person's name, residential and post office box mailing address, social security number, date of birth and driver's license number;

(2) An ATV registration number;

(3) An insurance policy number;

(4) Information contained in any free text data field of an accident report; and

(5) Any other information contained in a data field of an accident report that may be used to identify a person.

**2. Accident report information.** An accident report made by a law enforcement officer or a report of an ATV accident made by an operator as required by sections 13157-B and 13157-C is for the purposes of statistical analysis and accident prevention. A report or statement contained in the accident report, or a report as required by section 13157-B and section 13157-C, subsection 1, or a decision made as a result of that report or statement is confidential and may not be admitted as evidence in any trial, civil or criminal, arising out of the accident. Such a report may be admissible as evidence solely to prove compliance with this section.

Notwithstanding this section, the Game Warden Colonel may disclose the date, time and location of an accident reported under sections 13157-B and 13157-C; the names and addresses of operators, owners and injured persons; the names and addresses of witnesses; and the name and address of the investigating officer. On written request, the Game Warden Colonel may furnish a photocopy of the investigating officer's report at the expense of the person making the request.

**3. Accident report database; public dissemination of accident report data.** Data maintained, administered or contributed to by the Bureau of Warden Service must be treated as follows.

A. Except as provided in paragraph B, personally identifiable accident report data maintained, administered or contributed to by the Bureau of Warden Service is confidential.

B. The Bureau of Warden Service may disseminate an ATV registration number contained in an accident report database maintained, administered or contributed to by the Bureau of Warden Service to a person only if that person provides the Bureau of Warden Service an affidavit stating that the person will not:

(1) Use the ATV registration number to identify or contact a person; or

(2) Disseminate the ATV registration number to another person.

C. The Bureau of Warden Service may publicly disseminate nonpersonally identifiable accident report data maintained, administered or contributed to by the Bureau of Warden Service.

**4. Reasonable fees.** The Bureau of Warden Service may charge reasonable fees for ATV accident report data. The cost of furnishing a copy of the report is not subject to the limitations of Title 1, section 408-A.

**5. Violation.** A person commits a Class E crime if that person:

A. Is an operator involved in a reportable ATV accident and knowingly fails to give a correct name and address when requested by a law enforcement officer at the scene;

B. Is the operator involved in a reportable ATV accident under this section or is the owner of an ATV involved in a reportable accident and knowingly fails to produce the ATV or, if the ATV is operational, return it to the scene when requested by the investigating officer; or

C. Obtains an ATV registration number pursuant to section 13155 and knowingly uses that ATV registration number to identify or contact a person or knowingly disseminates that ATV registration number to another person.