

Statutory Citation	Description	Definition within Statute
5 MRSA 1816-A, sub-§4	Administrative Procedures and Services Purchases, General Provisions	<p>4. Access to public records. As a condition of accepting a contract for services under this section, a contractor must agree to treat all records, other than proprietary information, relating to personal services work performed under the contract as public records under the freedom of access laws to the same extent as if the work were performed directly by the department or agency. <u>For the purposes of this subsection, "proprietary information" means information that is a trade secret or commercial or financial information, the disclosure of which would impair the competitive position of the contractor and would make available information not otherwise publicly available. Information relating to wages and benefits of the employees performing the personal services work under the contract and information concerning employee and contract oversight and accountability procedures and systems are not proprietary information.</u> This subsection applies to contracts, contract extensions and contract amendments executed on or after October 1, 2009.</p>
5 MRSA 13119-A, sub-§1	Administrative Procedures and Services Economic and Community Development	<p>The following records are confidential for purposes of Title 1, section 402, subsection 3, paragraph A and are not open for public inspection:</p> <p>1. Proprietary information. Information that is provided to or developed by the department or a municipality that has to do with a program of assistance and is included in a business or marketing plan or a grant application or provided or developed to fulfill reporting requirements, as long as:</p> <ul style="list-style-type: none"> A. The person to whom the information belongs or pertains requests that it be designated as confidential; and B. The department or municipality determines that the information <u>gives the person making the request opportunity to obtain business or competitive advantage over another person who does not have access to that information or will result in loss of business or other significant detriment to the person making the request if access is provided to others;</u>

<p>5 MRSA 13120-M, sub-§2 B</p>	<p>Administrative Procedures and Services</p> <p>Economic and Community Development, Maine Rural Development Authority</p>	<p>2. Confidential information. The following records are designated as confidential for purposes of Title 1, section 402, subsection 3, paragraph A:</p> <p>A. A record obtained or developed by the authority in advance of the receipt of a formal written application or proposal, in a form specified by or acceptable to the authority, for financial assistance or investment to be provided by or with the assistance of the authority or in connection with a transfer of property to or from the authority. After receipt by the authority of the application or proposal, a record pertaining to the application or proposal is not confidential unless it meets the requirements of paragraphs B to G;</p> <p>B. A record obtained or developed by the authority that fulfills the following requirements:</p> <p>(1) A person, including the authority, to whom the record belongs or pertains has requested that the record be designated confidential; and</p> <p>(2) The authority has determined that the record <u>contains proprietary information or commercial or financial information, the release of which could be competitively harmful to the submitter of the information or that would result in loss of business or other significant detriment to any person, including the authority, to whom the record belongs or pertains;</u></p>
<p>5 MRSA 15302-A, sub-§2 C</p>	<p>Administrative Procedures and Services</p> <p>Maine Technology Institute</p>	<p>2. Proceedings; records; confidentiality. The proceedings of the board and the records of the institute are public for the purposes of Title 1, chapter 13, except that the following records are designated as confidential for purposes of Title 1, section 402, subsection 3, paragraph A:</p> <p>C. A record that the person, including the institute, to whom the record belongs or pertains has requested be designated confidential and that the institute has determined contains proprietary information, trade secrets or commercial or financial information, the release of which could be competitively harmful to the submitter of the information, could impair the institute's ability in the future to obtain similar necessary information solely through the voluntary provision of such information and could affect other institute interests, such as program effectiveness and compliance;</p>

<p>5 MRSA 15303-A, sub-§2 H</p>	<p>Administrative Procedures and Services Maine Technology Institute</p>	<p>H. Protecting all proprietary information contained in proposals, contracts and grants or any other legal agreement only when such information is likely to involve patentable material that loses its protectable nature when presented in a public forum.</p>
<p>5 MRSA 15322, sub-§3 B(3)</p>	<p>Administrative Procedures and Services Technology Centers</p>	<p>3. Technology centers. The following provisions govern technology centers.</p> <p>B. The records and proceedings of the technology centers are public for the purposes of Title 1, chapter 13 except that the following records are designated as confidential for the purposes of Title 1, section 402, subsection 3, paragraph A:</p> <p>(1) A record obtained or developed by a technology center prior to receipt of a written application or proposal in a form acceptable to the technology center for assistance from the technology center. After receipt by the technology center of the application or proposal, a record pertaining to the application or proposal may not be considered confidential unless it is confidential under another provision of this paragraph;</p> <p>(2) A peer review or analysis or other document related to the evaluation of a grant application or proposal;</p> <p>(3) A record that the person, including the technology center, to whom the record belongs or pertains has requested be designated confidential and that the technology center has determined contains <u>proprietary information, trade secrets or commercial or financial information, the release of which could be competitively harmful to the submitter of the information, could impair the technology center's ability in the future to obtain similar necessary information solely through the voluntary provision of such information and could affect other technology center interests, such as program effectiveness and compliance. For purposes of this subparagraph, the following terms have the following meanings.</u></p> <p>(a) "Commercial or financial information" means information related to businesses, commerce, trade, employment, profits or finances, including personal finances.</p>

		(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;
10 MRSA 945-J, sub-§1	Commerce and Trade Maine International Trade Center	1. Proprietary information; other information. Information provided to or developed by the center and included in a business or marketing plan is public unless the person to whom the information belongs or pertains requests that it be designated as confidential and the center has determined it contains proprietary information. <u>For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the center or the person submitting the information and would make available information not otherwise publicly available.</u>
10 MRSA 1496-B, sub-§ 1 and sub-§ 2	Commerce and Trade Cellular Telephone Customer Privacy Act	1. Customer proprietary network information. "Customer proprietary network information" has the same meaning as in 47 United States Code, Section 222(h)(1) as in effect on January 1, 2006. 2. Other customer proprietary information. "Other customer proprietary information" means any information loaded, installed or otherwise placed on a wireless telephone or transmitted from a wireless telephone by a wireless telephone customer.
12 MRSA 550-B, sub-§6	Conservation Water Wells	6. Information use. Information collected by the Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey under this section is subject to Title 1, chapter 13, subchapter 1, unless the well drilling company to whom the information belongs or pertains requests that it be designated as confidential and the bureau has determined it contains proprietary information. <u>For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available. The Division of Geology, Natural Areas and Coastal Resources, Maine</u>

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		<u>Geological Survey shall make information collected under this chapter available to any federal, state or municipal entity or authorized agent of such entity.</u>
12 MRSA 6077, sub-§ 4	Conservation Leases and Special Licenses	F. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.
12 MRSA 6173-A, sub-§ 4	Conservation Marine Resources, Regulation Powers	4. Definition. For the purposes of this section, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.
12 MRSA 6173-B, sub-§3	Conservation Marine Resources, Regulation Powers	3. Definition. For purposes of this section, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.
12 MRSA 6455, sub-§1 B	Conservation Maine Lobster Marketing Collaborative <i>Repealed 10/1/2021</i>	1-B. Market studies and promotional plans; proprietary information. Information provided to or developed by the collaborative and included in a promotional plan or market study is public unless the collaborative determines that it contains proprietary information. <u>For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the collaborative or the person submitting the information and would make available information not otherwise publicly available.</u>
12 MRSA 8869, sub-§13	Conservation Forest Practices	13. Confidential information. Information provided to the bureau voluntarily or to fulfill reporting requirements for the purposes of establishing and monitoring outcome-based forestry areas, as created pursuant to section 8003, subsection 3, paragraph Q, is public unless the person to whom the information belongs or pertains requests that it be designated as confidential and the bureau has determined it contains proprietary information. <u>For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available.</u> The

		<p>bureau, working with the landowner and the panel of technical experts appointed under subsection 3-A, may publish reports as long as those reports do not reveal confidential information.</p>
<p>22 MRSA 664, sub-§1</p>	<p>Health and Welfare State Nuclear Safety Program</p>	<p>1. Records. Each facility licensee shall permit the inspection and copying, for the purposes of this chapter, of its books and records, maintained in any form, except that books and records that are privileged as a matter of law, proprietary, security-related or restricted by federal law, are not open to inspection. Subject to the approval of the United States Nuclear Regulatory Commission and of the facility licensee, access to books and records that are proprietary, security-related or restricted by federal law may be granted if the State Nuclear Safety Inspector, on behalf of the State, enters into a nondisclosure agreement. <u>For purposes of this section, proprietary information includes personnel records, manufacturers' proprietary information, licensee proprietary information and trade secrets. For purposes of this subsection, "trade secrets" means any confidential formula, pattern, process, device, information or compilation of information, including chemical name, that is used in any employer's business that gives the employer an opportunity to obtain any advantage over competitors who do not know or use it.</u></p>
<p>24-A 4303, sub-§17 C</p>	<p>Maine Insurance Code Health Plan Requirements</p>	<p>17. (REALLOCATED FROM T. 24-A, §4303, sub-§15) Prohibition on "most favored nation" clauses. Participation agreements between carriers and providers are governed by this subsection.</p> <p>C. Prior to the issuance of the superintendent's findings and decision on an application for a waiver pursuant to this subsection, any contract, proposal or draft legal instrument submitted to the superintendent in an application for a waiver is not a public record for the purposes of Title 1, chapter 13, except that the name and business address of the parties to an application for a waiver are public information. After the issuance of the superintendent's findings and decision, the superintendent may disclose any information that the superintendent determines is not proprietary information. <u>For the purposes of this paragraph, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the</u></p>

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		<u>competitive position of the carrier or provider submitting the information and would make available information not otherwise publicly available.</u>
36 MRSA 706-A, sub-§3	Taxation Property Taxes, Power and Duties of Assessors	3. Proprietary information. For the purposes of this section, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available and information protected from disclosure by federal or state law, rules or regulations.
38 MRSA 580-A, sub-§ 18-A	Waters and Navigation Regional Greenhouse Gas Initiative	18-A. Proprietary information. "Proprietary information" means production, commercial or financial information claimed as confidential on documents required to be submitted to participate in an auction, the disclosure of which would impair the competitive position of the account holder and would make available information that is not otherwise available.
38 MRSA 1672, sub-§1 F	Waters and Navigation Mercury-added Products and Services	F. "Proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and which is not otherwise publicly available.
38 MRSA 1771, sub-§6-A	Waters and Navigation Product Stewardship	6-A. Proprietary information. "Proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.
38 MRSA 1776, sub-§10	Waters and Navigation Product Stewardship	10. Proprietary information. Proprietary information submitted to the department in a product stewardship plan, in an amendment to a product stewardship plan or pursuant to reporting requirements of this section that is identified by the submitter as proprietary information is confidential and must be handled by the department in the same manner as confidential information is handled under section 1310-B.
38 MRSA 2144, sub-§ 5 F	Waters and Navigation Waste Reduction and Recycling	F. Reports submitted to the department under this section must be made available to the public on the department's publicly accessible website, except that proprietary information submitted to the department in a plan, in an amendment to a plan or pursuant to reporting requirements of this section that is identified by the submitter as proprietary information is confidential and must be handled by the department in the same manner as confidential information is handled under section 1310-B.

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		<p><u>As used in this paragraph, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.</u></p>
<p>38 MRS 3102, sub-§17-A</p>	<p>Waters and Navigation Manufacturers, Distributors and Dealers of Beverage Containers</p>	<p>17-A. Proprietary information. "Proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.</p>