

**Right to Know Advisory Committee  
Public Records Exceptions Review Subcommittee**

**PROPOSED DRAFT LEGISLATION TO AMEND EXCEPTIONS  
REFLECTS DISCUSSION FROM NOV. 2 MEETING**

**REF. # 2020-44**

**Sec. \_\_\_\_.** 12 MRSA §6072, sub-§10 is amended as follows:

**10. Notification of granted leases.** After the granting of a lease:

A.

B. The department shall notify all riparian owners, intervenors and the municipality in which the lease is located that a lease has been granted. The notice must include a description of the area and how a copy of the lease may be obtained.

C. The lessee shall mark the leased area in a manner prescribed by the commissioner; and

D. The lessee shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Upon written request, the department shall provide a copy of the report to the municipality or municipalities in which or adjacent to which the lease is located, **as long as the municipality or municipalities agree to maintain the confidentiality of the report as provided in this paragraph.** The seeding and harvesting reports submitted by a lessee under this paragraph are considered confidential statistics for the purposes of section 6173.

**Summary**

This language amends the public records exception to clarify that a municipality receiving a seeding and harvesting report from the department related to an aquaculture lease in the municipality or adjacent to the municipality must maintain the confidentiality of the report.

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**REF. # 2020-54**

**Sec. \_\_\_\_.** 12 MRSA §6749-S is repealed.

**~~§6749-S. Log books for sea urchin buyers and processors~~**

**~~1. Log book; rules.~~** ~~The commissioner shall adopt rules requiring any person holding a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit to maintain a log book. The rules must indicate the type of data that must be recorded in the log book, the manner for producing the log books and the method for analyzing data from the log books. The commissioner shall charge a fee for the log book that is sufficient to recover all costs associated with the production of the log book and analysis of the data, except that any personnel and operating costs associated with the log book must be paid from allocations from the Sea Urchin Research Fund. Fees received by the department from the sale of log books are dedicated revenue and must be used by the department for the purposes of this section. The log book and data analysis may be produced~~

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~~and conducted by the department or may be produced and conducted by a public or private entity under contract with the department. Disclosure of any data collected under this section is subject to the confidentiality provisions of section 6173.~~

~~**2. Reporting.** The commissioner may deny an application for the renewal of a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit if the license holder fails to maintain a log book or report the data required by rule pursuant to subsection 1.~~

~~Rules adopted by the commissioner to implement this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.~~

**Summary**

This language the statutory requirements for the adoption of rules related to the keeping of a log book by sea urchin buyers and processors, including the language requiring the data collected by the Department of Marine Resources to be kept confidential. The language is unnecessary as current law in Title 12, section 6173 governs the collection and reporting of statistics to the Department of Marine Resources, including the confidentiality of that data.