



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 196

H.P. 152

House of Representatives, January 24, 2017

**An Act To Protect Personal Information of Participants in a
Community Well-being Check Program**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MALABY of Hancock.
Cosponsored by Representatives: CHACE of Durham, HARVELL of Farmington, HEAD of
Bethel, HYMANSON of York, NADEAU of Winslow.

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

2 **Sec. 1. 1 MRSA §402, sub-§3, ¶T**, as amended by PL 2015, c. 161, §2, is further
3 amended to read:

4 T. Records describing research for the development of processing techniques for
5 fisheries, aquaculture and seafood processing or the design and operation of a
6 depuration plant in the possession of the Department of Marine Resources; ~~and~~

7 **Sec. 2. 1 MRSA §402, sub-§3, ¶U**, as enacted by PL 2015, c. 161, §3, is
8 amended to read:

9 U. Records provided by a railroad company describing hazardous materials
10 transported by the railroad company in this State, the routes of hazardous materials
11 shipments and the frequency of hazardous materials operations on those routes that
12 are in the possession of a state or local emergency management entity or law
13 enforcement agency, a fire department or other first responder. For the purposes of
14 this paragraph, "hazardous material" has the same meaning as set forth in 49 Code of
15 Federal Regulations, Section 105.5-; ~~and~~

16 **Sec. 3. 1 MRSA §402, sub-§3, ¶V** is enacted to read:

17 V. Participant application materials and other personal information obtained or
18 maintained by a municipality or other public entity in administering a community
19 well-being check program, except that a participant's personal information, including
20 health information, may be made available to local law enforcement or other
21 designated first responders as necessary to administer the program. For the purposes
22 of this paragraph, "community well-being check program" means a voluntary
23 program that involves daily, or regular, telephone contact with a participant and,
24 when telephone contact cannot be established, sends local law enforcement or other
25 designated first responders to the participant's residence to check on the participant's
26 well-being.

27 **SUMMARY**

28 This bill creates a public records exception under the Freedom of Access Act to
29 protect the confidentiality of personal information of participants in community well-
30 being check programs. A community well-being check program, sometimes known as a
31 "Good Morning Program," is a voluntary program that involves daily, or regular,
32 telephone contact with participants and, when telephone contact cannot be made, sends
33 local law enforcement or other designated first responders to check on the well-being of
34 the participant at the participant's residence. The bill makes an exception to the
35 confidentiality provision to allow for the sharing of a participant's personal information,
36 including health information, with local law enforcement or other designated first
37 responders as necessary to administer the program.