



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 756

H.P. 509

House of Representatives, March 5, 2015

An Act To Enhance the Address Confidentiality Program Regarding Property Records

Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative DUNPHY of Old Town.
Cosponsored by Senator JOHNSON of Lincoln and
Representatives: BURSTEIN of Lincolnville, CHIPMAN of Portland, DUCHESNE of
Hudson, HYMANSON of York, KINNEY of Knox, LONGSTAFF of Waterville, TEPLER of
Topsham, WARREN of Hallowell.

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

2 **Sec. 1. 5 MRSA §90-B, sub-§4**, as amended by PL 2013, c. 478, §1, is further
3 amended to read:

4 **4. Use of designated address.** Upon demonstration of a program participant's
5 certification in the program, state and local government agencies and the courts shall
6 accept and use only the designated address as a program participant's address unless the
7 secretary has ~~determined that:~~ approved an exemption pursuant to subsection 5-A.

8 ~~A. The agency has a bona fide statutory or administrative requirement for the use of~~
9 ~~the program participant's address or mailing address, such that it is unable to fulfill its~~
10 ~~statutory duties and obligations without the residential address; and~~

11 ~~B. The program participant's address or mailing address will be used only for those~~
12 ~~statutory and administrative purposes.~~

13 **Sec. 2. 5 MRSA §90-B, sub-§5**, as amended by PL 2013, c. 478, §1, is repealed.

14 **Sec. 3. 5 MRSA §90-B, sub-§5-A** is enacted to read:

15 **5-A. Disclosure to law enforcement and to other state and local agencies.** If the
16 secretary determines it appropriate, the secretary may make a program participant's
17 address or mailing address available for use by granting an exemption under the
18 following circumstances:

19 A. Upon request to the secretary by:

20 (1) A law enforcement agency in the manner provided for by rule; or

21 (2) A commissioner or other chief administrator of a state or local government
22 agency or the commissioner's or administrator's designee in the manner provided
23 for by rule; and

24 B. Upon a finding by the secretary that:

25 (1) An agency under paragraph A has a bona fide statutory, administrative or law
26 enforcement requirement for use of the program participant's address or mailing
27 address such that the agency is unable to fulfill its statutory duties and obligations
28 without the address or mailing address; and

29 (2) The program participant's address or mailing address will be used only for
30 those statutory, administrative or law enforcement purposes and otherwise will be
31 kept under seal and excluded from public inspection.

32 **Sec. 4. 5 MRSA §90-B, sub-§7**, as amended by PL 2011, c. 195, §2, is further
33 amended to read:

34 **7. Confidentiality.** The program participant's application, supporting materials and
35 the program's state e-mail account are not a public record and must be kept confidential
36 by the secretary. A program participant's address or mailing address in the possession of

1 any state or local government agency or court is confidential and must be kept under seal
2 by the agency or court and excluded from public inspection.

3 **Sec. 5. 33 MRSA §651-B, sub-§2**, as enacted by PL 2007, c. 626, §1, is amended
4 to read:

5 **2. Personal information on registry's website.** If a document that includes an
6 individual's personal information is recorded with a register of deeds and is available on
7 the registry's publicly accessible website, the individual may request that the register of
8 deeds redact that personal information from the record available on the website. The
9 register shall establish a procedure by which individuals make such requests at no fee to
10 the requesting individual. The register shall comply with an individual's request to redact
11 personal information. A participant in the Address Confidentiality Program administered
12 by the Secretary of State pursuant to Title 5, section 90-B may request that the register
13 redact the participant's name from the record on the website and substitute the
14 participant's Address Confidentiality Program identification number issued by the
15 Secretary of State. The register shall comply with the individual's request, subject to
16 verification by the Secretary of State that the individual is certified as a program
17 participant. The Secretary of State shall notify the register upon withdrawal or
18 cancellation of the program participant's certification.

19 **Sec. 6. 36 MRSA §553** is amended by adding at the end a new paragraph to read:

20 For purposes of this section, if the owner or person in possession is an individual
21 participant in the Address Confidentiality Program administered by the Secretary of State
22 pursuant to Title 5, section 90-B, that individual may request that the municipal assessor
23 assess the property to the owner or person in possession using the participant's Address
24 Confidentiality Program identification number issued by the Secretary of State in lieu of
25 the individual's name. The request must be granted upon verification by the Secretary of
26 State that the individual is certified as a program participant. The Secretary of State shall
27 notify the municipal assessor upon withdrawal or cancellation of the program
28 participant's certification.

29 SUMMARY

30 This bill amends the Address Confidentiality Program statute to make clear that the
31 protected address of a certified program participant in the possession of a state or local
32 government agency or court that has been authorized to use it for bona fide statutory,
33 administrative or law enforcement purposes otherwise remains confidential and must be
34 kept under seal and excluded from inspection by the public.

35 The bill amends the laws governing the registry of deeds and assessment of property
36 taxes to provide address confidentiality protection to participants in the program upon
37 request. In the registry of deeds, a program participant's Address Confidentiality Program
38 identification number rather than name must be used in the record on the registry's
39 publicly accessible website. A municipal assessor must include the identification number
40 rather than the program participant's name in the assessment.