

STATE OF MAINE

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

—
H.P. 1223 - L.D. 1828

**An Act to Implement the Recommendations of the Right to Know Advisory
Committee Concerning Public Records Exceptions**

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

Sec. 1. 25 MRSA §2006, as repealed and replaced by PL 2013, c. 54, §1, is amended to read:

§2006. Access to information and proceedings

1. Application, refusals and collected information; proceedings. All applications for a permit to carry concealed handguns and documents made a part of the application, refusals and any information of record collected by the issuing authority during the process of ascertaining whether an applicant is of good moral character and meets the additional requirements of sections 2003 and 2005 are confidential ~~and are not public records for the purposes of Title 1, chapter 13, subchapter 4.~~ The applicant may waive this confidentiality by written notice to the issuing authority. All proceedings relating to the issuance, refusal, suspension or revocation of a permit to carry concealed handguns are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant.

2. Permanent record of permit. The issuing authority shall make a permanent record of each permit to carry concealed handguns in a suitable book or file kept for that purpose. The record must include the information contained in the permit itself. The record is confidential except that the following information about each permit holder is not confidential ~~and is a public record:~~

- A. The municipality of residence;
- B. The date the permit was issued; and
- C. The date the permit expires.

This subsection does not limit disclosure of confidential information for criminal justice purposes or permitting purposes to law enforcement officers and issuing authorities.

Sec. 2. 26 MRSA §1085, sub-§4, as enacted by PL 2019, c. 644, §4, is amended to read:

4. Confidentiality. All information obtained by the bureau pursuant to this section is confidential ~~and not a public record as defined in Title 1, section 402, subsection 3.~~ The information may be used only for making decisions regarding the suitability of an affected person for new or continued employment with the bureau, to provide services to the bureau under an identified contract or to access federal tax information obtained from the bureau.

Sec. 3. 27 MRSA §86-B, as enacted by PL 2013, c. 205, §1, is amended to read:

§86-B. Confidentiality of certain research and personal information

1. Draft research and materials. Museum draft research, publications and exhibit materials, including scientific, archaeological and historical findings, are confidential ~~and not public records for the purposes of Title 1, chapter 13, subchapter 1~~ until complete and presented to the public. The Museum Director may authorize disclosure before publication or presentation to the public.

2. Personal history research and materials. Personal information contained in any record about the individual that is obtained by the Maine State Museum in the course of a historical research project is confidential ~~and not a public record for the purposes of Title 1, chapter 13, subchapter 1~~ until:

- A. The individual authorizes the release of the personal information as a public record; or
- B. The death of the individual, except that the Museum Director may, at the request of the individual, designate in writing that personal information about the individual remain confidential for a specified period, not to exceed 25 years after the death of the individual, to protect the privacy of the individual or the privacy of the parent or child of the individual.

For the purposes of this section, "personal information" means any information about an individual's personal history, including, but not limited to, medical, psychiatric, employment, counseling and other information of a personal or private nature.

Sec. 4. 30-A MRSA §503, sub-§1, ¶A, as amended by PL 1989, c. 6 and c. 9, §2 and c. 104, Pt. C, §§8 and 10 and repealed and replaced by c. 402, §2, is further amended by amending subparagraph (1) to read:

- (1) Notwithstanding any confidentiality provision other than this paragraph, applications, resumes and letters and notes of reference, other than those letters and notes of reference expressly submitted in confidence, pertaining to the applicant hired are public records after the applicant is hired, except that personal contact information is not a public record as provided in Title 1, section 402, subsection 3, paragraph O.

Sec. 5. 30-A MRSA §503, sub-§1, ¶A, as amended by PL 1989, c. 6 and c. 9, §2 and c. 104, Pt. C, §§8 and 10 and repealed and replaced by c. 402, §2, is further amended by amending subparagraph (2) to read:

- (2) Telephone numbers are ~~not public records~~ confidential if they are designated as "unlisted" or "unpublished" in an application, resume or letter or note of reference.

Sec. 6. 30-A MRSA §2702, sub-§1, ¶A, as amended by PL 2019, c. 451, §3, is further amended by amending subparagraph (1) to read:

(1) Notwithstanding any confidentiality provision other than this paragraph, applications, resumes and letters and notes of reference, other than those letters and notes of reference expressly submitted in confidence, pertaining to the applicant hired are public records after the applicant is hired, except that personal contact information is not a public record as provided in Title 1, section 402, subsection 3, paragraph O.

Sec. 7. 30-A MRSA §2702, sub-§1, ¶A, as amended by PL 2019, c. 451, §3, is further amended by amending subparagraph (2) to read:

(2) Telephone numbers are ~~not public records~~ confidential if they are designated as "unlisted" or "unpublished" in an application, resume or letter or note of reference.

Sec. 8. 32 MRSA §2105-A, sub-§3, ¶B, as amended by PL 1993, c. 600, Pt. A, §116, is further amended to read:

B. In a consent agreement or other written settlement when the information constitutes or pertains to the basis of board action, except that any information that identifies or could reasonably lead to identification of a patient is confidential.

Sec. 9. 32 MRSA §3300-A, as enacted by PL 2001, c. 214, §2, is amended to read:

§3300-A. Confidentiality of personal information of applicant or licensee

An applicant or licensee shall provide the board with a current professional address and telephone number, which will be their public contact address, and a personal residence address ~~and~~ telephone number and email address. An applicant's or licensee's personal residence address ~~and~~ telephone number is and email address are confidential information and may not be disclosed except as permitted by this section or as required by law, ~~unless~~. However, if the personal residence address and telephone number have been provided as the public contact address, the personal residence address and telephone number are not confidential. Personal health information submitted as part of any application is confidential information and may not be disclosed except as permitted by this section or as required by law. The personal health information and personal residence address ~~and~~ telephone number and email address may be provided to other governmental licensing or disciplinary authorities or to any health care providers located within or outside this State that are concerned with granting, limiting or denying a physician's employment or privileges.

Sec. 10. 32 MRSA §6207-B, as enacted by PL 2017, c. 265, §2, is repealed and the following enacted in its place:

§6207-B. Confidential information

The address and telephone number of an applicant for licensure or a person licensed under this chapter that are in the possession of the board are confidential. This section does not prohibit the board and its staff from using and disclosing the address and telephone number of an applicant or licensee as necessary to perform the duties and functions of the board.

Sec. 11. 32 MRSA §9418, first ¶, as amended by PL 2011, c. 662, §20, is further amended to read:

Notwithstanding Title 1, chapter 13, subchapter 1, all applications for a license to be a contract security company and any documents made a part of the application, refusals and any information of record collected by the commissioner during the process of ascertaining whether an applicant is of good moral character and meets the additional requirements of sections 9405 and 9411-A, and all information of record collected by the commissioner during the process of ascertaining whether a natural person meets the requirements of section 9410-A, are confidential ~~and may not be made available for public inspection or copying.~~ The applicant or natural person may waive this confidentiality by written notice to the commissioner. All proceedings relating to the issuance of a license to be a contract security company are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant.

Sec. 12. 32 MRSA §11305, sub-§3, as amended by PL 1989, c. 542, §79, is repealed and the following enacted in its place:

3. Public information. The following information collected, assembled or maintained by the administrator is confidential:

- A. Information obtained in private investigations pursuant to section 11301;
- B. Information made confidential by rule or order of the administrator; and
- C. Information obtained from federal agencies, which may not be disclosed under federal law.

Sec. 13. 32 MRSA §16524, as enacted by PL 2021, c. 576, §1, is amended to read:
§16524. Confidentiality of personal information

Personal information contained in an application for restitution assistance under this subchapter is ~~not subject to disclosure to the extent the information is designated as not a public record by section 16607, subsection 2, paragraph E~~ confidential.

Sec. 14. 32 MRSA §16607, sub-§2, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

2. Nonpublic Confidential records. ~~The following records are not public records and are not available for public examination under subsection 1~~ confidential:

- A. A record obtained by the administrator in connection with an audit or inspection under section 16411, subsection 4 or an investigation under section 16602;
- B. A part of a record filed in connection with a registration statement under section 16301 and sections 16303 to 16305 or a record under section 16411, subsection 4 that contains trade secrets or confidential information if the person filing the registration statement or report has asserted a claim of confidentiality or privilege that is authorized by law;
- C. A record that is not required to be provided to the administrator or filed under this chapter and is provided to the administrator only on the condition that the record ~~will not be subject to public examination or disclosure~~ is confidential;

D. A record received from a person specified in section 16608, subsection 1 that has been designated as confidential by the agency furnishing the record;

E. Any social security number, residential address unless used as a business address and residential telephone number unless used as a business telephone number contained in a record that is filed;

F. A record obtained by the administrator through a designee of the administrator that, pursuant to a routine technical rule, as defined in Title 5, chapter 375, subchapter 2-A, or an order under this chapter, has been:

(1) Expunged from the administrator's records by the designee; or

(2) Determined to be nonpublic or nondisclosable by that designee if the administrator finds the determination to be in the public interest and for the protection of investors;

G. Records to the extent that they relate solely to the administrator's internal personnel rules and practices, including, but not limited to, protocols, guidelines, manuals and memoranda of procedure for employees of the Office of Securities;

H. Interagency or intra-agency memoranda or letters, including generally records that reflect discussions between or consideration by the administrator and employees of the Office of Securities of any action taken or proposed to be taken by the administrator or employees of the Office of Securities, including, but not limited to, reports, summaries, analyses, conclusions or other work product of the administrator or employees of the Office of Securities, except those that by law would routinely be discoverable in litigation; and

I. Records to the extent that disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Sec. 15. 32 MRSA §18509, sub-§6, as enacted by PL 2017, c. 253, §7, is amended to read:

6. Confidentiality. Information provided to the interstate commission or distributed by a member board is confidential ~~within the meaning of Title 1, section 402, subsection 3, paragraph A~~ and may be used only for investigatory or disciplinary matters under sections 18510 and 18511.