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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
129TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to S.P. 498, L.D. 1563, Bill, “An Act To Encourage the Development of Broadband Coverage in Rural Maine”

Amend the amendment in section 9 in §9207 by striking out all of subsection 1 (page 4, lines 3 to 20 in amendment) and inserting the following:

1. Confidential information. ~~If the authority, on its own or upon request of any person or entity, determines that public access to specific information about communications service providers in the State could compromise the security of public utility systems to the detriment of the public interest or that specific information is of a competitive or proprietary nature, the authority shall issue an order designating that information as confidential. Information that may be designated as confidential pursuant to this subsection includes, but is not limited to, network diagrams. The authority may designate information as confidential under this subsection only to the minimum extent necessary to protect the public interest or the legitimate competitive or proprietary interests of a communications service provider. Data provided to the authority pursuant to this section is confidential. The authority, upon request or on its own motion, may initiate a proceeding to determine whether to remove the confidential designation of specific information provided under this section. The authority shall adopt rules pursuant to section 9205, subsection 3 defining the criteria it will use to satisfy the requirements of this paragraph and the types of information that would satisfy the criteria. The authority may not designate any information as remove the confidential designation under this subsection until those rules are finally adopted.~~

Information designated as confidential under this subsection is not a public record under Title 1, section 402, subsection 3.'

Amend the amendment in section 9 in §9207 in subsection 2 in the 2nd line (page 4, line 22 in amendment) by striking out the following: "subsection 1" and inserting the following: 'subsection 4 this section'

Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SENATE AMENDMENT

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SUMMARY

Under current law, data that communication service providers and certain wireless providers are required to provide to the ConnectME Authority may be designated as confidential information by an order of the authority and not subject to the Freedom of Access Act. This amendment instead designates all data provided to the authority as confidential and, like the committee amendment, allows the authority to remove that confidential designation following a proceeding to determine whether to remove the confidential designation of specific information.

SPONSORED BY: _____

(Senator BELLOWS)

COUNTY: Kennebec