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January 29, 2026

Senator Anne Carney, Chair
Representative Amy Kuhn, Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, Maine 04333-0100

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary:

As you consider testimony and the policy implications of **LD 2106, *An Act to Prohibit the Disclosure of Nonpublic Records Without Proper Judicial Review***, I thought it might be helpful to provide some context from the Maine public library perspective. This testimony is neither for nor against LD2106.

First, I would like to thank the bill sponsors for including public libraries in this bill, thereby recognizing that they are an important information access point for all who live in Maine.

Second, I'd like to share some additional information that may help this committee understand the role libraries have long played in welcoming those who are new to our state:

- Public library doors are open to anyone, no questions asked and no purchase required.
- Public libraries offer technology (computers, printing, faxing), internet access, and meeting rooms. Some libraries, like Lewiston Public Library, have language learning software (English as a second language) and materials in languages other than English.
- Public libraries connect people to local organizations that provide needed services such as housing, job training, and language tutoring.
- Public libraries partner with local organizations to provide services directly in the library (for example, Portland Public Library has a work permit clinic for asylum seekers)
<https://www.portlandlibrary.com/topics/immigration-citizenship/>.



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- Maine State Library provides anyone in the state access to digital learning resources that can help someone on their path toward citizenship. Local public libraries help people navigate these resources to find tutorials, eBooks, flash cards, and more to prepare for taking the citizenship test.
- Maine State Library provides access to free legal forms, including affidavits that show proof of an asylum application or residency or citizenship.

Regarding this bill before you, Maine is fortunate that we already have a confidentiality of library records law in statute Title 27, Chapter 4-A §121:

<https://legislature.maine.gov/statutes/27/title27sec121.html>, which governs how public libraries handle patron records. This statute clearly states that records a public library must keep confidential fall into two categories:

1. Personally identifiable information such as the patron's name, address, phone number and email;
2. Information that identifies what resources or materials a patron may have requested, used, or checked out from the library.

There are two instances when a library can release those confidential records:

1. A patron provides written permission to library staff or officers of the library (like trustees) to use the personally identifiable information for administrative purposes (such as joining a library email newsletter list);
2. As the result of a court order.

I respectfully suggest that the Committee consider referencing the existing Confidentiality of Library Records statute in this bill under Section 4, which pertains to public libraries.

Regarding the section on model policies, our 257 public libraries in the state definitely could use additional assistance/resources like the model policy referenced in the bill. While our larger and well-resourced public libraries already have policies in place that spell out how staff should



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respond to law enforcement, we have seen an uptick in questions about what should be included in such a policy. Over 70% of Maine's public libraries serve a population under 5,000, often staffed by one or two part-time people for limited open hours (making it even more difficult to stay informed about best practices and/or policies).

Given our close relationship with public libraries in Maine, and our mandate to provide support for Maine libraries, Maine State Library would be happy to work with the Attorney General's office to draft model policies that would work in practice for all of Maine's public libraries. We also offer to take the lead in disseminating a model policy through our current communication channels with Maine public libraries.

Last, I would like to point out two phrases in LD 2106, Section 4 for public libraries, where definitions would be useful so that there is no misunderstanding of what a particular word or phrase means:

- "Nonpublic area"
 - This can mean different things to different public libraries. For example, many libraries that offer meeting space to outside groups consider the meeting room a "nonpublic area" when it is in use by a group that does not invite the public to their gathering.
 - This could also specifically include bathrooms but there are differences of opinion about privacy in stalls vs. the general bathroom area outside of stalls.
 - There are areas in public libraries that have "Staff only" signs which should be included in this definition. Having this type of signage has helped many of our public libraries when visited by First Amendment auditors. MSL staff always cautions libraries to make sure that if someone can see into a "staff only" area through a window, they need to make sure there are no documents or information on a computer screen that is visible to a person in the public area of the library, in accordance with the Confidentiality of Patron Records statute.



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- "Records held by a public library" – This phrase could conform to the Confidentiality of Library Records statute referenced previously that focuses on patron records at a public library. If left as is, there could be confusion around, for example, whether security camera footage or voice mail recordings from patrons is part of the definition of "records held by a public library."

If any Committee member has questions or needs further clarification on this information, please reach out to me at any time.

Sincerely,

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