

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

BEFORE THE JOINT STANDING COMMITTEE ON INLAND FISHERIES AND WILDLIFE

IN SUPPORT OF L.D. 2236

**“An Act Regarding Public Records Maintained by the Department of Inland Fisheries and
Wildlife”**

**Reported by Representative ROBERTS of South Berwick for the Joint Standing Committee on
Inland Fisheries and Wildlife pursuant to Resolve 2025, chapter 37, section 6.**

March 23, 2026

Good afternoon, Senator Baldacci, Representative Roberts and members of the Inland Fisheries and Wildlife Committee. I am Christl Theriault, Assistant to the Commissioner and Legislative Liaison speaking on behalf of the Department of Inland Fisheries and Wildlife, in support of L.D. 2236 An Act Regarding Public Records Maintained by the Department of Inland Fisheries and Wildlife.

I'd like to provide a brief overview of the history of this bill. In 2025, during the First Regular Session of the 132nd Legislature LD 101, “An Act Regarding Public Records and Fees for Requesting Public Records from the Department of Inland Fisheries and Wildlife” was introduced. It was replaced with RESOLVE 2025 CHAPTER 37 titled Resolve, to Convene a Working Group to Examine the Classification of and Access to Public Records Maintained by Certain State Agencies. This resolve required a working group to be formed, and a report back be provided.

The Working Group had 3 meetings during the fall of 2025 during which the group discussed each of the prescribed duties within the Resolve. These discussions formed the basis for the report that I summarized for this committee earlier in the session. The purpose of the FOAA law was at the center of the discussions; to provide transparency and accountability within government operations, and to build public trust. Our agency collects data from our license holders, and they have an expectation that their personal information will be protected and used as an avenue to communicate fish and wildlife matters, not to be shared for commercial purposes.

The Working Group played a key role in shaping LD 2236, which responds to the department's primary legal and operational concerns while aligning FOAA principles and proven models used by other agencies. The members reviewed and refined the draft legislative language to amend Title 12, Part 13. The legislation addresses MDIFW's authority related to licenses, permits, and registrations, it defines personally identifiable information (PII), records and data. It also describes what records or data would be held confidential within public records requests associated with these records.

With the bill being drafted so late in the session we didn't see the draft bill prior to printing. The formatting is significantly different than what was provided by the Working Group and there are some omissions, additions, and inconsistencies we found that we feel should be corrected if this committee is supportive of passing the bill. We took the time to provide the suggested edits as an attachment to this testimony.

Please follow along LD 2236 bill language while I explain the intent of each section. When I get to a section that has a suggested amendment, I will refer to the page and line number. You're welcome to have

the proposed amendment document next to the bill to refer to, that has all the bill language and anything to be changed is highlighted in yellow.

Sec 1. Repeals current law that allows an applicant for a hunting or fishing license to indicate that the applicant's e-mail address is confidential and that requires that information be held confidential by the Department of Inland Fisheries and Wildlife. This has been problematic for the agency to implement so rather than allowing someone to indicate that they want their email address to be kept confidential we implemented a policy keeping all emails confidential. The new bill proposes to clearly allow the agency to keep all emails confidential.

Sec 2. It creates a new section of law related to records held by the department and databases the department contributes to which hold the department's licenses, permits, registrations and applications. The bill also defines "data," "commercial record," "noncommercial record" and "personally identifiable information" within a noncommercial record and within a commercial record.

IFW's proposed changes to Sec. 2.

- **Page 1, Line 8.** Makes language more consistent between commercial and noncommercial record definitions by adding paper or electronic to the "commercial record" definition.
- **Page 1, Line 11. & 12.** Modifies the definition of data to include that the data may be contained on paper or electronic medium and not just in an electronic medium. It adds that data "may be" contained in a database. This allows for data that might be contained in a paper booklet submitted by a trapper, captive wildlife holder or taxidermist, as just a few examples.
- **Page 1, Lines 18, 28, 29 & 30.** Within the definition of personally identifiable information, we are requesting to strike: (1) a person's name, (10) information contained in any free text data field and (11) any other information contained in a data field that may be used to identify a person. The Revisor's office included names and the free text data fields as confidential to be consistent with another section of the bill related to crash reporting. The protection of this information within the crash reporting section of law serves a very specific purpose, to prevent commercialization of that information. Many law firms and other companies seek to exploit crash report data to generate business.
- **Page 1, Line 34.** Add "data or" to any PII included in any record.
- **Page 2, Lines 9., 13.-15.** Simplify the language by replacing whole or partial database records with the defined term "data".

There is more personally identifiable information held confidential for a noncommercial record than for a commercial record which is intentional. The Working Group felt that commercial license holders such as guides, taxidermists and those commercially fishing should be willing to have some of their contact information released. The bill provides exceptions for holding personally identifiable information confidential, including exceptions for law enforcement purposes in accordance with Title 16, section 805-A, fish and wildlife management purposes, other state and federal government entities and the person who is the subject of the record or that person's agent.

The bill provides that data contained in a records database, whether individual or multiple records, maintained, administered or contributed to by the department that is considered confidential may not be publicly disseminated.

The bill provides that the department may charge reasonable fees at the expense of the person making the request, may publicly disseminate nonpersonally identifiable information and may provide copies of individual records and data to individuals, businesses and other entities. The cost of furnishing a copy of the record is not subject to the limitations of Title 1, section 408-A (FOAA law).

Sec 3. & 4.

Sections 3 & 4 of the bill create ATV and snowmobile accident reporting system exemptions that mirror the Department of Public Safety's exemption for motor vehicle crash report data which is held in the Maine Crash Reporting Online Search and Ordering Service. These provisions allow any nonpersonally identifiable ATV and snowmobile accident report data to be released to the public, and the cost to process these data requests and release the records is not subject to the limitations within Title 1, section 408-A (FOIA law). These sections also create definitions for "data," "nonpersonally identifiable accident report data" and "personally identifiable accident report data."

The bill also provides that ATV and snowmobile accident reports or statements contained within have specific uses for law enforcement purposes and the agency can disseminate individual records or multiple records in accordance with this law. ATV and snowmobile registration numbers may be released only under an affidavit restricting the use and misuse of registration numbers, and failure to comply with reporting obligations is a Class E crime.

IFW's proposed changes to Sec. 3.

- **Page 3, Line 1.** Remove "or section 13106-C," as there isn't anything in section 13106-C that is relevant to this action by the Game Warden Colonel.
- **Page 3 Lines 26 & 27.** Remove this sentence, it isn't needed as there are already 2 violations established that cover the notification requirement 13106-B and 13106-D. The subsections will now have to be reordered.
- **Page 3 Line 28.** Change paragraph from B. to A.
- **Page 3 Line 31.** Change paragraph from C. to B.
- **Page 3 Line 35.** Change paragraph from D. to C.
- **Page 4 Lines 14 & 16.** Add section 13157-B because this describes requirements related to ATV accidents involving personal injury or death which should be in addition to section 13157-C which includes the requirement to report within 72 hours after an accident. Having both sections aligns with the snowmobile section of law within this bill.
- **Page 4 Lines 21-22.** Add language to make this consistent with the snowmobile language within this bill. This was changed from what was proposed by the Working Group.
- **Page 4 Lines 38-40** Strike the first sentence because it will be moved up into section 13157-D Subsection 2. of the new bill language. Add a sentence which allows that the Bureau of Warden Service may charge reasonable fees for snowmobile accident report data. This is the same language found in the snowmobile section of the bill. Again, keeping this consistent.
- **Page 4 at the end of the bill:** Add a new subsection 5. within the ATV section of law consistent with the snowmobile section that creates a violation for several acts related to ATV accidents. This is mirrored after Title 29-A law that addresses motor vehicle accidents.

The Working Group ultimately gave unanimous support to, and the Department agreed to remain focused on changes to MDIFW's authority by helping craft and review the proposed bill language you have before you which in short does the following:

1. **Strengthens privacy protections** around PII in hunting, fishing, trapping and recreational vehicle licensing systems and recreational vehicle accident reports.
2. **Clarifies what data is confidential vs. releasable**, for both recreational (noncommercial) type license records and for commercial type license records.
3. **Expands ease of access to non-identifiable statistical data** by allowing InforME clear authority to charge a requestor from the public, reasonable fees for more expeditious access to MDIFW records held within a database, while preventing the public release or misuse of PII.

For these reasons, the Department strongly supports this bill.

IFW Proposed Amendments to LD 2236-March 23, 2026

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

2 **Sec. 1. 12 MRSA §10110**, as enacted by PL 2011, c. 185, §1, is repealed.

3 **Sec. 2. 12 MRSA §10111** is enacted to read:

4 **§10111. Records and databases related to licenses, permits, registrations, harvest records and**
5 **applications**

6 **1. Definitions.** For purposes of this section, unless the context otherwise indicates, the following
7 terms have the following meanings.

8 A. "Commercial record" means any paper or electronic record the department holds that is
9 intended for business operations or that allows a person or entity to charge a fee for a product or
10 service.

11 B. "Data" means information existing in an a paper or electronic medium and may be contained
12 in within a records database.

13 C. "Noncommercial record" means any paper or electronic record the department holds,
14 including, but not limited to, a license, permit, registration, harvest record and any application for
15 these records, that is not intended for business operations and that does not allow a person or
16 entity to charge a fee for a product or service.

17 D. "Personally identifiable information" means:

- 18 (1) A person's name;
19 (2) A person's social security number;
20 (3) A person's telephone number;
21 (4) A person's e-mail address;
22 (5) A person's physical address;
23 (6) A person's identification number in the department's online electronic system for
24 people who hunt, fish or trap;
25 (7) A person's date of birth;
26 (8) A person's driver's license number;
27 (9) A person's taxpayer identification number;
28 (10) Information contained in any free text data field; and
29 (11) Any other information contained in a data field that may be used to identify a
30 person.

31 With respect to a commercial record, "personally identifiable information" does not include a
32 person's telephone number, e-mail address or physical address.

33 **2. Individual records requests; confidentiality of personally identifiable information in**
34 **records.** Any personally identifiable information included in any data or commercial or noncommercial
35 record, whether contained in a records database or in individual or multiple records, is confidential,
36 except that the department may disclose personally identifiable information:
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- A. For law enforcement purposes in accordance with section 13106-E and Title 16, section 805-A;
- B. For the purposes described in section 13106-E, subsection 2 or section 13157-D, subsection 2;
- C. For fish and wildlife management purposes;
- D. To other state and federal government entities; or
- E. To the person who is the subject of the record or to that person's agent.

3. Disclosure of data not personally identifiable. The department may publicly disseminate data that is not personally identifiable information ~~that is contained in a database~~ and may provide to persons, businesses and other entities copies of individual records and ~~whole or partial databases of records data~~ that do not contain personally identifiable information.

4. Reasonable fees. The department may charge reasonable fees for ~~requests of~~ both individual records ~~requests and database whole or partial databases of records requests~~ at the expense of the person making the request. The cost of furnishing a copy of the record ~~or records~~ is not subject to the limitations of Title 1, section 408-A.

Sec. 3. 12 MRSA §13106-E is enacted to read:
§13106-E. Snowmobile accident report data

1. Definitions. For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Data" means information existing in an electronic medium and contained in an accident report database.
- B. "Nonpersonally identifiable accident report data" means any data in an accident report that are not personally identifiable accident report data.
- C. "Personally identifiable accident report data" means:
 - (1) A person's name, residential and post office box mailing address, social security number, date of birth and driver's license number;
 - (2) A snowmobile registration number;
 - (3) An insurance policy number;
 - (4) Information contained in any free text data field of an accident report; and
 - (5) Any other information contained in a data field of an accident report that maybe used to identify a person.

2. Accident report information. An accident report made by a law enforcement officer or a report made by an operator as required by section 13106-B or 13106-C is for the purposes of statistical analysis and accident prevention. A report or statement contained in the accident report, or a report as required by section 13106-C, subsection 1, or a decision made as a result of that report or statement contained in the accident report or report required by section 13106-C, subsection 1 is confidential and may not be admitted as evidence in any trial, civil or criminal, arising out of the accident. Such a report may be admissible as evidence solely to prove compliance with this section.

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1 Notwithstanding this section ~~or section 13106-C~~, the Game Warden Colonel may disclose the
2 date, time and location of the accident reported under section 13106-B or 13106-C; the names and
3 addresses of operators, owners and injured persons; the names and addresses of witnesses; and
4 the name and address of the investigating officer. On written request, the Game Warden Colonel
5 may furnish a photocopy of the investigating officer's report at the expense of the person making
6 the request.
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8 **3. Accident report database; public dissemination of accident report data.** Data maintained,
9 administered or contributed to by the Bureau of Warden Service must be treated as follows.

10 A. Except as provided in paragraph B, personally identifiable accident report data maintained,
11 administered or contributed to by the Bureau of Warden Service is confidential.

12 B. The Bureau of Warden Service may disseminate a snowmobile registration number contained
13 in an accident report database maintained, administered or contributed to by the Bureau of
14 Warden Service to a person only if that person provides the Bureau of Warden Service an
15 affidavit stating that the person will not:

16 (1) Use the snowmobile registration number to identify or contact a person; or

17 (2) Disseminate the snowmobile registration number to another person.

18 C. The Bureau of Warden Service may publicly disseminate nonpersonally identifiable accident
19 report data maintained, administered or contributed to by the Bureau of Warden Service.
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22 **4. Reasonable fees.** The Bureau of Warden Service may charge reasonable fees for snowmobile
23 accident report data. The cost of furnishing a copy of the report is not subject to the limitations of
24 Title 1, section 408-A.

25 **5. Violation.** A person commits a Class E crime if that person:

26 ~~A. Is required to make a report pursuant to section 13106-B or 13106-C and knowingly~~
27 ~~fails to do so within the time required;~~

28 ~~B. A.~~ Is an operator involved in a reportable snowmobile accident and knowingly fails to
29 give a correct name and address when requested by a law enforcement officer at the
30 scene;

31 ~~C. B.~~ Is the operator involved in a reportable snowmobile accident under this section or is
32 the owner of a snowmobile involved in a reportable accident and knowingly fails to
33 produce the snowmobile or, if the snowmobile is operational, return it to the scene when
34 requested by the investigating officer; or

35 ~~D. C.~~ Obtains a snowmobile registration number pursuant to section 13104 and
36 knowingly uses that snowmobile registration number to identify or contact a person or
37 knowingly disseminates that snowmobile registration number to another person.
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39 **Sec. 4. 12 MRSA §13157-D** is enacted to read:

40 **§13157-D. ATV accident report data**

41 **1. Definitions.** For purposes of this section, unless the context otherwise indicates, the following
42 terms have the following meanings.
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IFW Proposed Amendments to LD 2236-March 23, 2026

1 A. "Data" means information existing in an electronic medium and contained in an accident
2 report database.

3 B. "Nonpersonally identifiable accident report data" means any data in an accident report that are
4 not personally identifiable accident report data.

5 C. "Personally identifiable accident report data" means:

6 (1) A person's name, residential and post office box mailing address, social security
7 number, date of birth and driver's license number;

8 (2) An ATV registration number;

9 (3) An insurance policy number;

10 (4) Information contained in any free text data field of an accident report; and

11 (5) Any other information contained in a data field of an accident report that maybe used
12 to identify a person.

13 **2. Accident report information.** An accident report made by a law enforcement officer or a report of an
14 ATV accident made by an operator as required by section 13157-B and 13157-C is for the purposes of
15 statistical analysis and accident prevention. A report or statement contained in the accident report, or a
16 report as required by section 13157-B and 13157-C, subsection 1, or a decision made as a result of that
17 report or statement is confidential and may not be admitted as evidence in any trial, civil or criminal,
18 arising out of the accident. Such a report may be admissible as evidence solely to prove compliance with
19 this section.

20 Notwithstanding this section, the Game Warden Colonel may disclose the date, time and location of the
21 accident reported under section 13157-B and 13157-C; and the names and addresses of operators, owners,
22 and injured persons; the names and addresses of witnesses; and the name and address of the investigating
23 officer. On written request, the Game Warden Colonel may furnish a photocopy of the investigating
24 officer's report at the expense of the person making the request.

26 **3. Accident report database; public dissemination of accident report data.** Data maintained,
27 administered or contributed to by the Bureau of Warden Service must be treated as follows.

28 A. Except as provided in paragraph B, personally identifiable accident report data maintained,
29 administered or contributed to by the Bureau of Warden Service is confidential.

30 B. The Bureau of Warden Service may disseminate an ATV registration number contained in an accident
31 report database maintained, administered or contributed to by the Bureau of Warden Service to a person
32 only if that person provides the Bureau of Warden Service an affidavit stating that the person will not:

33 (1) Use the ATV registration number to identify or contact a person; or

34 (2) Disseminate the ATV registration number to another person.

35 C. The Bureau of Warden Service may publicly disseminate nonpersonally identifiable accident report
36 data maintained, administered or contributed to by the Bureau of Warden Service.

38 **4. Reasonable fees.** On written request, the Game Warden Colonel may furnish a photocopy of the
39 investigating officer's report at the expense of the person making the request. The Bureau of Warden
40 Service may charge reasonable fees for ATV accident report data. The cost of furnishing a copy of the
41 report is not subject to the limitations of Title 1, section 408-A.

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43 **5. Violation.** A person commits a Class E crime if that person:

44 A. Is an operator involved in a reportable ATV accident and knowingly fails to give a correct name and
45 address when requested by a law enforcement officer at the scene;

46 B. Is the operator involved in a reportable ATV accident under this section or is the owner of an ATV
47 involved in a reportable accident and knowingly fails to produce the ATV or, if the ATV is operational,
48 return it to the scene when requested by the investigating officer; or

49 C. Obtains an ATV registration number pursuant to section 13157 and knowingly uses that ATV
50 registration number to identify or contact a person or knowingly disseminates that ATV registration
51 number to another person.