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No. 1828

H.P. 1223

House of Representatives, April 29, 2025

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

Reported by Representative KUHN of Falmouth for the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

Robert B. Hunt

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 25 MRSA §2006**, as repealed and replaced by PL 2013, c. 54, §1, is amended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

4 **§2006. Access to information and proceedings**

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

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

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

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

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

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

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

32 **§86-B. Confidentiality of certain research and personal information**

33 **1. Draft research and materials.** Museum draft research, publications and exhibit
34 materials, including scientific, archaeological and historical findings, are confidential ~~and~~
35 ~~not public records for the purposes of Title 1, chapter 13, subchapter 4~~ until complete and
36 presented to the public. The Museum Director may authorize disclosure before publication
37 or presentation to the public.

38 **2. Personal history research and materials.** Personal information contained in any
39 record about the individual that is obtained by the Maine State Museum in the course of a
40 historical research project is confidential ~~and not a public record for the purposes of Title~~
41 ~~1, chapter 13, subchapter 4~~ until:

1 A. The individual authorizes the release of the personal information as a public record;
2 or

3 B. The death of the individual, except that the Museum Director may, at the request of
4 the individual, designate in writing that personal information about the individual
5 remain confidential for a specified period, not to exceed 25 years after the death of the
6 individual, to protect the privacy of the individual or the privacy of the parent or child
7 of the individual.

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

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

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

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

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

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

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

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

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

39 **Sec. 8. 32 MRSA §2105-A, sub-§3, ¶B**, as amended by PL 1993, c. 600, Pt. A,
40 §116, is further amended to read:

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

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

5 **§3300-A. Confidentiality of personal information of applicant or licensee**

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

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

22 **§6207-B. Confidential information**

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

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

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

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

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

3 A. Information obtained in private investigations pursuant to section 11301;

4 B. Information made confidential by rule or order of the administrator; and

5 C. Information obtained from federal agencies, which may not be disclosed under
6 federal law.

7 **Sec. 13. 32 MRSA §16524**, as enacted by PL 2021, c. 576, §1, is amended to read:
8 **§16524. Confidentiality of personal information**

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

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

14 **2. Nonpublic Confidential records.** The following records are ~~not public records and~~
15 ~~are not available for public examination under subsection 4~~ confidential:

16 A. A record obtained by the administrator in connection with an audit or inspection
17 under section 16411, subsection 4 or an investigation under section 16602;

18 B. A part of a record filed in connection with a registration statement under section
19 16301 and sections 16303 to 16305 or a record under section 16411, subsection 4 that
20 contains trade secrets or confidential information if the person filing the registration
21 statement or report has asserted a claim of confidentiality or privilege that is authorized
22 by law;

23 C. A record that is not required to be provided to the administrator or filed under this
24 chapter and is provided to the administrator only on the condition that the record ~~will~~
25 ~~not be subject to public examination or disclosure~~ is confidential;

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

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

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

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

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

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

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

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

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

12 **6. Confidentiality.** Information provided to the interstate commission or distributed
13 by a member board is confidential ~~within the meaning of Title 1, section 402, subsection~~
14 ~~3, paragraph A~~ and may be used only for investigatory or disciplinary matters under
15 sections 18510 and 18511.

16 SUMMARY

17 This bill is reported out by the Joint Standing Committee on Judiciary to implement
18 statutory changes recommended by the Right to Know Advisory Committee after
19 reviewing certain existing public records exceptions in Titles 25, 26, 27, 30-A and 32. The
20 Joint Standing Committee on Judiciary has not taken a position on the substance of this
21 bill. By reporting out this bill, the Joint Standing Committee on Judiciary is not suggesting
22 and does not intend to suggest that it agrees or disagrees with any aspect of this bill; instead,
23 the Joint Standing Committee on Judiciary is reporting out the bill for the sole purpose of
24 having a bill printed that can be referred to the Joint Standing Committee on Judiciary for
25 an appropriate public hearing and subsequent processing in the normal course. The Joint
26 Standing Committee on Judiciary is taking this action to ensure clarity and transparency in
27 the legislative review of the proposals contained in the bill.

28 Sections 1, 2, 3, 10, 11, 12, 13, 14 and 15 of the bill amend language in statute to better
29 conform with drafting standards.

30 Sections 4, 5, 6 and 7 of the bill amend public records exceptions related to applicants
31 for county and municipal jobs to clarify that personal contact information of applicants is
32 confidential.

33 Section 8 of the bill amends the existing public records exception to clarify that
34 information included in Board of Nursing consent agreements or other written settlements
35 that identifies or could reasonably lead to identification of a patient is confidential.

36 Section 9 of the bill amends the existing public records exception to clarify that email
37 addresses of applicants to or licensees of the Board of Licensure in Medicine are
38 confidential, and that the personal residence address and telephone number of the applicant
39 or licensee are not confidential if this information is provided as the public contact.