

RIGHT TO KNOW ADVISORY COMMITTEE

DRAFT AGENDA

May 25, 2010

1:00 p.m.

Room 438, State House, Augusta

Convene

1. Welcome and Introductions
Senator Barry Hobbins, Chair
2. Chairs, Joint Standing Committee on Judiciary
Senator Lawrence Bliss
Representative Charles Priest
3. Summary of Second Regular Session, 124th Legislature's FOA actions in 2010
 - RTK AC recommendations
 - LD 1791, An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Records of Public Proceedings (Resolve 2009, c. 186: Resolve, Directing the Right To Know Advisory Committee To Further Examine Requirements That Public Bodies Keep Records of Public Proceedings)
 - LD 1792, An Act to Implement the Recommendations of the Right to Know Advisory Committee (PL 2009, c. 567)
 - Proposed public records exceptions
4. Existing exceptions review process (Titles 22 - 25, recommendations due January 2012)
5. Requests from Legislature
 - Public Law 2009, c. 567, Sec. 11
Bulk records requests (SLG letter to CIO Thompson to convene a group on this issue, too)
Richard B. Thompson, Chief Information Officer
 - Resolve 2009, c. 171 (LD 1551)
 - Use of communication technologies to ensure decisions are made in public proceedings
 - Penalties for violations
 - Partisan caucuses
 - Resolve 2009, c. 186 (LD 1791)
Requirement that public bodies keep records of meetings
 - Resolve 2009, c. 184 (LD 1802)
Protection of private information in electronic and other communications sent and received by public officials, particularly between elected officials and their constituents
 - Review FAME exceptions? (removed from LD 1792 by JUD)
 - Judiciary Committee: Title 1, Section 434 lists only public records exceptions as subject matter to be reviewed; should that be expanded to include any aspect of law that restricts access to otherwise public records? (LD 1554: can the price charged for copies of public records be so high that public access is constructively limited? PL 2009, c. 575)
 - Judiciary Committee: LD 1627 rewrote the Central Voter Registry confidentiality provisions with Title 21-A. The Judiciary Committee is interested in an analysis of the information contained in the CVR, what is entirely confidential, what can be released for limited purposes and what is completely public.

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6. Continuing projects
 - Criminal History Record Information Action (CHRIA) - working with CLAC
 - Social Security Numbers
 - Use of technology in public proceedings (member participation from remote locations)
 - Bulk electronic data (see PL 2009, c. 257, section 11 on same topic)
7. Law School Externship - update
8. Education and training for elected public officials - discussion
9. Scheduling future meetings, subcommittee meetings
10. Other?

Adjourn

Right to Know Advisory Committee

P.L. 2005, Chapter 631

Wednesday, May 12, 2010

Appointment(s) by the Governor

Karla Black

1 State House Station
Augusta, ME 04333

Representing State Government Interests

Richard P. Flewelling

Maine Municipal Assoc
60 Community Drive
Augusta, ME 04330

Representing Municipal Interests

Harry Pringle

Drummond Woodsum & MacMahon
245 Commercial St PO Box 9781
Portland, ME 04104-5081
207 772-1941

Representing School Interests

Appointment(s) by the President

Shenna Bellows

Maine Civil Liberties Union
401 Cumberland Ave.
Portland, ME 04101
207 774-5444

Representing the Public

Robert Devlin

Kennebec County Administrator
125 State Street
Augusta, ME 04330
207 622-0971

Representing County or Regional Interests

Mark Dion

Cumberland County Sheriff's Department
36 County Way
Portland, ME 04102
207 774-1444

Representing Law Enforcement Interests

A. Jay Higgins

18 West Street
Manchester, ME 04351

Representing Broadcasting Interests

Kelly Morgan

90 Loggin Road
Cape Neddick, ME 04072

Representing the Press

Sen. Barry J. Hobbins

22 Glenhaven Circle
Saco, ME 04072
207 282-5985

Senate Member of Judiciary Committee

Appointment(s) by the Speaker

Rep. Dawn Hill

P.O. Box 701
Cape Neddick, ME 03902
207 363-7594

House Member of the Judiciary Committee

Suzanne Goucher
ME. Assoc. of Broadcasters
69 Sewall Street Suite 2
Augusta, ME 04330
207 623-3870

Representing Broadcasting Interests

Mal Leary
Capitol News Service
17 Pike Street
Augusta, ME 04330
207 621-2384

Representing a Statewide Coalition of Advocates of
Freedom of Access

Judy Meyer
Lewiston Sun Journal
104 Park Street
Lewiston, ME 04243-4400
207 689-2902

Representing Newspaper Publishers

Chris Spruce
1011 Happytown Road
Ellsworth, ME 04605
207 667-3186

Representing the Public

Attorney General

Linda Pistner
Chief Deputy Attorney General
6 State House Station
Augusta, ME 04333
207 626-8800

Designee

Chief Justice

James T. Glessner
State Court Administrator
PO Box 4820
Portland, ME 04112
207 822-0792

Member of the Judicial Branch

Staff:

Peggy Reinsch 287-1670
OPLA

Colleen McCarthy Reid 287-1670
OPLA

SENATE

LAWRENCE BLISS, District 7, Chair
BARRY J. HOBBS, District 5
DAVID R. HASTINGS III, District 13



MARGARET J. REINSCH, Legislative Analyst
SUSAN M. PINETTE, Committee Clerk

HOUSE

CHARLES R. PRIEST, Brunswick, Chair
MARK E. BRYANT, Windham
CYNTHIA A. DILL, Cape Elizabeth
RICHARD C. CLEARY, Houlton
DAWN HILL, York
CHARLES B. KRUGER, Thomaston
SARA R. STEVENS, Bangor
JOAN M. NASS, Acton
MICHAEL G. BEAULIEU, Auburn
JARROD S. CROCKETT, Bethel
WAYNE T. MITCHELL, Penobscot Nation

State of Maine
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON JUDICIARY

May 13, 2010

Senator Barry J. Hobbins, Chair
Right to Know Advisory Committee

Re: Freedom of Access and the Penobscot Nation and the Passamaquoddy
Tribe

Dear Senator Hobbins:

As you know, the Maine Supreme Judicial Court determined in 2001 that the Maine Freedom of Access laws apply to the Penobscot Nation and the Passamaquoddy Tribe in certain circumstances. *Great Northern Paper, Inc. v. Penobscot Nation*, 2001 ME 68. The Penobscot Nation and the Passamaquoddy Tribe strongly disagree with the conclusion, as well as the analysis used to reach it. Their arguments are based on tribal sovereignty and the respect that is due a separate government, as opposed to a political subdivision.

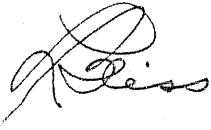
The Tribal-State Work Group recommended in 2008 that the Maine Implementing Act be amended to clarify that the Tribes are completely exempt from the FOA laws. That recommendation, although discussed in various versions, was not adopted by the Judiciary Committee or the Legislature as a whole. This has been a somewhat painful matter for the Tribes and the Judiciary Committee to work around in dealing with other tribal-state relations issues.

We write to inform the Advisory Committee that, as Chairs of the Judiciary Committee, we are beginning a dialogue with the Penobscot Nation and the Passamaquoddy Tribe, the Governor's Office and the Office of the Attorney General to take a fresh look at whether it is appropriate to apply the Freedom of Access laws to the Penobscot Nation and the Passamaquoddy Tribe. We will be interested in the thoughts of the Advisory Committee, and would like your help in examining some of the public policy concerns that may arise throughout this process. We would also like the Advisory Committee to consider the availability of applicable FOIA-type Acts of the Penobscot Nation and the Passamaquoddy Tribe in dealing with this question. At some point, we

hope to be ready to request time on your agenda to have representatives of the Tribes and the State talk with you about the underlying principles and the possible roads to resolution.

Thank you for letting us bring this important concern to your attention. We look forward to working with you in the near future.

Sincerely,



Senator Lawrence S. Bliss
Senate Chair



Representative Charles R. Priest
House Chair

c: Rep. Wayne Mitchell, Penobscot Nation
Rep. Donald Soctomah, Passamaquoddy Tribe

STATE OF MAINE

APPROVED

CHAPTER

MAR 31 '10

186

BY GOVERNOR

RESOLVES

IN THE YEAR OF OUR LORD

TWO THOUSAND AND TEN

H.P. 1279 - L.D. 1791

**Resolve, Directing the Right To Know Advisory Committee To Further
Examine Requirements That Public Bodies Keep Records of Public
Proceedings**

Sec. 1. Records of public proceedings. Resolved: That the Right To Know Advisory Committee, established under the Maine Revised Statutes, Title 1, section 411, shall further examine issues related to requiring public bodies to keep records of public proceedings. The issues to be examined must include the form and maintenance of the records to be kept, including how soon the records must be available and how long the records must be retained, the appropriate contents of the records, whether failure to comply with records requirements results in the invalidation of action taken by the public body and other related issues. The advisory committee shall submit a report containing its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than February 15, 2011.

MAR 29 '10 567

STATE OF MAINE

BY GOVERNOR PUBLIC LAW

IN THE YEAR OF OUR LORD

TWO THOUSAND AND TEN

H.P. 1280 - L.D. 1792

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. 5 MRSA §244-E is enacted to read:

§244-E. Referral service; confidentiality; public records

1. Identity confidential. The identity of a person making a complaint alleging fraud, waste, inefficiency or abuse through a hotline or other referral service established by the State Auditor for the confidential reporting of fraud, waste, inefficiency and abuse in State Government is confidential and may not be disclosed, unless the person making the complaint agrees in writing to the disclosure of that person's name.

2. Contents of complaint confidential. A complaint alleging fraud, waste, inefficiency or abuse made through a hotline or other referral service established by the State Auditor for the confidential reporting of fraud, waste, inefficiency and abuse in State Government and any resulting investigation is confidential and may not be disclosed except as provided in subsections 3 and 4.

3. Coordination with Office of Program Evaluation and Government Accountability and Attorney General. The State Auditor may disclose information that is confidential under this section to the Director of the Office of Program Evaluation and Government Accountability and the Attorney General to ensure appropriate agency referral or coordination between agencies to respond appropriately to all complaints made under this section.

4. Reports. For each complaint under this section, the State Auditor shall submit a written report to the Governor and publish the report on the auditor's publicly accessible website. The report must include a detailed description of the nature of the complaint, the office, bureau or division within the department or any agency that is the subject of the complaint, the determination of potential cost savings, if any, any recommended action and a statement indicating the degree to which the complaint has been substantiated. The report must be submitted no later than 120 days after the State Auditor receives the complaint. In addition, the State Auditor shall publish a semiannual report to the

Governor and Legislature of the complaints received by the hotline or other referral service, which may be electronically published. The report must include the following information:

A. The total number of complaints received;

B. The number of referrals of fraud or other criminal conduct to the Attorney General;

C. The number of referrals of agency performance issues to the Office of Program Evaluation and Government Accountability; and

D. The number of investigations by the State Auditor by current status whether opened, pending, completed or closed.

Sec. 2. 10 MRSA §945-J, first ¶, as enacted by PL 1995, c. 648, §5, is amended to read:

The following records and proceedings of the center are confidential and are not open to public inspection for the purposes of Title 1, chapter 13, except as otherwise provided in this section.

Sec. 3. 10 MRSA §945-J, sub-§1, as enacted by PL 1995, c. 648, §5, is amended to read:

1. Proprietary information; other information. Information provided to or developed by the center and included in a business or marketing plan is ~~confidential so long as public unless~~ the person to whom the information belongs or pertains requests that it be designated as confidential and if, ~~when made available, the center has determined it contains proprietary information would allow a person to obtain a business or competitive advantage over another person or would result in significant detriment to the person to whom the information belongs and when the information is not otherwise available in the public domain.~~ For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the center or the person submitting the information and would make available information not otherwise publicly available.

Sec. 4. 12 MRSA §549-B, sub-§5, ¶D, as enacted by PL 1985, c. 201, §2, is amended to read:

D. An affidavit of investigatory and exploratory work ~~shall~~ must be filed each year with the director of the survey on June 30th. At the time of filing that affidavit, the claimant shall demonstrate to the director that investigatory work has been performed on that claim at a rate of at least \$5 per acre during the year ending June 30th. For claims recorded after April 1st and before June 30th, the first affidavit of investigatory and exploratory work ~~shall~~ must be filed on the 2nd June 30th following. All work done ~~shall~~ must be described in the affidavit and ~~shall~~ include work ~~which~~ that tends to reveal such characteristics of the material sought as length, width, depth, thickness, tonnage and mineral or metal content, or, with respect to nonmetallic minerals, other physical characteristics of the deposit relating directly to

the commercial exploitation of the deposit and such other information relating to the exploration work as the director of the survey may require. ~~This information may be shared with other governmental agencies, but shall not constitute records available for public inspection or disclosure pursuant to Title 1, section 408, during the period of time in which the claim is in effect.~~ During the period of time in which the claim is in effect, this information is confidential and may not be disclosed, except that the information may be shared with other governmental agencies.

Sec. 5. 12 MRSA §549-B, sub-§13, as enacted by PL 1985, c. 201, §2, is amended to read:

13. Annual reports. Any person with a mining lease engaged in mine development or mining under this subchapter shall, in the month of June following the year the operation was carried on, pay all applicable fees, rentals and royalties and file an annual report with the director of the survey and director of the agency having jurisdiction over the state-owned land setting forth:

- A. The location of the operation;
- B. The quality and grade of mineral products or ores produced;
- C. The amount of royalty ~~which~~ that has accrued on material extracted;
- D. The number of persons ordinarily employed at operation below ground and above ground; and
- E. Any other information, relating to the mining lease, mine development or mining, the director of the bureau and the director of the agency having jurisdiction over the state-owned lands may require by regulation.

~~This information may be shared with other government is confidential and may not be disclosed, except that the information may be shared with other governmental agencies, but shall not constitute records available for public inspection or disclosure pursuant to Title 1, section 408.~~

Sec. 6. 12 MRSA §550-B, sub-§6, as amended by PL 1999, c. 556, §17, is further amended to read:

6. Information use. Information collected by the Bureau of Geology and Natural Areas, Maine Geological Survey under this ~~chapter~~ section is ~~exempt from~~ subject to Title 1, chapter 13, subchapter ~~1~~ 1, unless the well drilling company to whom the information belongs or pertains requests that it be designated as confidential and the bureau has determined it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available. The Bureau of Geology and Natural Areas, Maine Geological Survey shall make information collected under this chapter available to any federal, state or municipal entity or authorized agent of such entity.

Sec. 7. 12 MRSA §6455, sub-§1-A, ¶C, as enacted by PL 1993, c. 545, §1, is amended to read:

C. Notwithstanding any provisions of paragraphs A and B:

- (1) All meetings and records of the council are subject to the provisions of Title 1, chapter 13, subchapter 1, except that, ~~by majority vote of the members, the council may designate market studies or promotional plans developed or funded by the council as confidential as provided in subsection 1-B.~~ The commissioner and those members of the Legislature appointed to serve on the joint standing committee of the Legislature having jurisdiction over marine resource matters have access to all material designated confidential by the council;
- (2) Except as required by subsection 2, members of the council are governed by the conflict of interest provisions set forth in Title 5, section 18; and
- (3) For the purposes of the Maine Tort Claims Act, the council is a "governmental entity" and its employees are "employees" as those terms are defined in Title 14, section 8102.

Sec. 8. 12 MRSA §6455, sub-§1-B is enacted to read:

1-B. Market studies and promotional plans; proprietary information. Information provided to or developed by the council and included in a promotional plan or market study is public unless the council determines that it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the council or the person submitting the information and would make available information not otherwise publicly available.

Sec. 9. 12 MRSA §8869, sub-§13, as amended by PL 2007, c. 271, §5, is further amended to read:

13. Confidential information. Information provided to the bureau voluntarily or to fulfill reporting requirements for the purposes of establishing and monitoring outcome-based forest policy experimental areas, as created pursuant to section 8003, subsection 3, paragraph Q, is ~~designated as confidential for the purposes of Title 1, section 402, subsection 3, paragraph A if the bureau has determined that failure to designate the information as confidential would provide competitors an opportunity to obtain business or competitive advantage over the person to whom the information belongs or pertains or would result in loss or other significant detriment to that person~~ public unless the person to whom the information belongs or pertains requests that it be designated as confidential and the bureau has determined it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available. The bureau, working with the landowner and the panel of technical experts appointed under subsection 3-A, may publish reports as long as those reports do not reveal confidential information. This subsection is repealed July 1, 2012.

Sec. 10. 20-A MRSA §13004, sub-§2-A, ¶D is enacted to read:

D. Notwithstanding paragraph A, the following information concerning final written decisions relating to disciplinary action taken by the commissioner against a person holding certification is a public record:

- (1) The name of the person;
- (2) The type of action taken, consisting of denial, revocation, suspension, surrender or reinstatement;
- (3) The grounds for the action taken;
- (4) The relevant dates of the action;
- (5) The type of certification and endorsements held, including relevant dates;
- (6) The schools where the person was or is employed; and
- (7) The dates of employment.

Sec. 11. Requests for bulk data. The Right To Know Advisory Committee shall review and make recommendations concerning the issues involved with requests for public records in bulk, including:

1. Public access to databases;
2. Protection of personal information that is not designated as confidential but is contained in databases that include public records;
3. Reasonable costs for copies when public records are requested in bulk;
4. Whether access or costs should be based on the intended or subsequent use of the information requested in bulk;
5. The acceptable formats for responses to requests, including electronic and paper;
6. The appropriate role for InforME in responding to requests for public records in bulk; and
7. Any other issues the advisory committee considers appropriate.

The advisory committee shall include its recommendations in the 2011 annual report required under the Maine Revised Statutes, Title 1, section 411, subsection 10.

**Freedom of Access Reviews pursuant to Title 1, section 434
124th Legislature, Second Regular Session (2010)**

LD	Title	Committee	Report	Public Law & Statute
1	An Act To Stimulate Capital Investment for Innovative Businesses in Maine	BRED	No change	PL 2009, c. 633 5 MRSA §17057, sub-§4, ¶A
1121	An Act To Protect Elderly Residents from Losing Their Homes Due to Taxes or Foreclosure	TAX	Small change	PL 2009, c. 489 36 MRSA §6271, sub-§2
1238	An Act Concerning the National Animal Identification System	ACF	Small change	PL 2009, c. 544 7 MRSa §1708, sub-§4
1423	An Act to Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses	NAT	No change	PL 2009, c. 579 38 MRSA §1310-B, sub-§1
1546	An Act To Improve Disclosure of Campaign Finance Information and the Operation of the Maine Clean Election Act	LVA	No change	PL 2009, c. 524 21-A MRSA §1125, sub-§2-B
1554	An Act Regarding Document Fees at County Registries of Deeds	SLG	No change (not reviewable)	PL 2009, c. 575 33 MRSA §651
1561	An Act To Regulate the Use of Traffic Surveillance Cameras	TRA	No change	PL 2009, c. 605 29-A MRSA §2117-A, sub-§4
1568	An Act To Clarify Maine's Phaseout of Polybrominated Diphenyl Ethers	NAT	No change	PL 2009, c. 610 38 MRSa §1310-B, sub-§1
1627	An Act To Improve Access to Data in the Central Voter Registration System	LVA	No change; ask RTK AC to review	PL 2009, c. 564 21-A MRSA §196-A, sub-§1
1639	An Act To Stimulate the Maine Economy and Promote the Development of Maine's Priority Transportation Infrastructure Needs	UTE	No change	PL 2009, c. 648 23 MRSA §4251, sub-§10

**Freedom of Access Reviews pursuant to Title 1, section 434
124th Legislature, Second Regular Session (2010)**

LD	Title	Committee	Report	Public Law & Statute
1651	An Act To Clarify and Amend Laws Pertaining to Licenses Issued by the Department of Inland Fisheries and Wildlife (e-mail addresses)	IFW	Recommend change	Indefinitely postponed
1786	An Act Regarding Energy Infrastructure Development	UTE	No change	PL 2009, c. 655 35-A MRSA §122, sub-§1-B, ¶G
1811	An Act To Amend the Maine Medical Marijuana Act	HHS	No change	PL 2009, c. 631 22 MRSA §2425, sub-§8

Not reviewed because no new or expanded confidentiality provisions

LD	Title	Committee	Report	Public Law & Statute
LD 1781	An Act To Allow Electronic Filing of Vital Records and Closing of Records To Guard against Fraud and Make Other Changes to the Vital Records Laws	HHS	----	PL 2009, c. 601

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Existing Public Records Exceptions, Titles 22 - 25
 Updated through Second Regular Session, 124th Legislature
 May 18, 2010

	TITLE	SECTION	SUB-SECTION	DESCRIPTION
1	22	17	7	Title 22, section 17, subsection 7, relating to records of child support obligors
2	22	42	5	Title 22, section 42, subsection 5, relating to DHHS records containing personally identifying medical information
3	22	261	7	Title 22, section 261, subsection 7, relating to records created or maintained by the Maternal and Infant Death Review Panel
4	22	411	7	Title 22, section 411, subsection 7, defining the "health risk assessment" process
5	22	664	1	Title 22, section 664, subsection 1, relating to State Nuclear Safety Program facility licensee books and records
6	22	666	3	Title 22, section 666, subsection 3, relating to the State Nuclear Safety Program concerning the identity of a person providing information about unsafe activities, conduct or operation or license violation
7	22	811	6	Title 22, section 811, subsection 6, relating to hearings regarding testing or admission concerning communicable diseases
8	22	815	1	Title 22, section 815, subsection 1, relating to communicable disease information
9	22	824		Title 22, section 824, relating to persons having or suspected of having communicable diseases
10	22	832	3	Title 22, section 832, subsection 3, relating to hearings for consent to test for the source of exposure for a blood-borne pathogen
11	22	1064		Title 22, section 1064, relating to immunization information system
12	22	1065	3	Title 22, section 1065, subsection 3, relating to manufacturer and distributor reports on distribution of influenza immunizing agents
13	22	1233		Title 22, section 1233, relating to syphilis reports based on blood tests of pregnant women
14	22	1317-C	3	Title 22, section 1317-C, subsection 3, relating to information regarding the screening of children for lead poisoning or the source of lead exposure
15	22	1494		Title 22, section 1494, relating to occupational disease reporting
16	22	1555-D	1	Title 22, section 1555-D, subsection 1, relating to lists maintained by the Attorney General of known unlicensed tobacco retailers
17	22	1596		Title 22, section 1596, relating to abortion and miscarriage reporting
18	22	1597-A	6	Title 22, section 1597-A, subsection 6, relating to a petition for a court order consenting to an abortion for a minor
19	22	1696-D		Title 22, section 1696-D, relating to the identity of chemical substances in use or present at a specific location if the substance is a trade secret

Existing Public Records Exceptions, Titles 22 - 25
 Updated through Second Regular Session, 124th Legislature
 May 18, 2010

	TITLE	SECTION	SUB-SECTION	DESCRIPTION
20	22	1696-F		Title 22, section 1696-F, relating to the identity of a specific toxic or hazardous substance if the substance is a trade secret
21	22	1711-C	2	Title 22, section 1711-C, subsection 2, relating to hospital records concerning health care information pertaining to an individual
22	22	1711-E		Not records in hands of public entity
23	22	1828		Title 22, section 1828, relating to Medicaid and licensing of hospitals, nursing homes and other medical facilities and entities
24	22	1848	1	Title 22, 1848, subsection 1, relating to documents and testimony given to Attorney General under Hospital and Health Care Provider Cooperation Act
25	22	2153-A	1	Title 22, section 2153-A, subsection 1, relating to information provided to the Department of Agriculture by the US Department of Agriculture, Food Safety and Inspection Service
26	22	2153-A	2	Title 22, section 2153-A, subsection 2, relating to information provided to the Department of Agriculture by the US Food and Drug Administration
27	22	2425	8	Title 22, section 2425, subsection 8, paragraph A, relating to information submitted by qualifying and registered patients under the Maine Medical Use of Marijuana Act
28	22	2425	8	Title 22, section 2425, subsection 8, paragraph B, relating to information submitted by primary caregivers and physicians under the Maine Medical Use of Marijuana Act
29	22	2425	8	Title 22, section 2425, subsection 8, paragraph C, relating to list of holders of registry identification cards under the Maine Medical Use of Marijuana Act
30	22	2425	8	Title 22, section 2425, subsection 8, paragraph F, relating to information contained in dispensary information that identifies a registered patient, the patient's physician and the patient's registered primary caregiver under the Maine Medical Use of Marijuana Act
31	22	2425	8	Title 22, section 2425, subsection 8, paragraph G, relating to information that identifies applicants for registry identification card, registered patients, registered primary caregivers and registered patients' physicians under the Maine Medical Use of Marijuana Act
32	22	2425	8	Title 22, section 2425, subsection 8, paragraph J, relating hearing on revocation of a registry identification card under the Maine Medical Use of Marijuana Act unless card is revoked
33	22	2698-A	7	Title 22, section 2698-A, subsection 7, relating to prescription drug marketing costs submitted to the Department of Health and Human Services

Existing Public Records Exceptions, Titles 22 - 25
Updated through Second Regular Session, 124th Legislature
May 18, 2010

	TITLE	SECTION	SUB-SECTION	DESCRIPTION
34	22	2698-B	5	Title 22, section 2698-B, subsection 5, relating to prescription drug information provided by the manufacturer to the Department of Health and Human Services concerning price
35	22	2699	2	Not records in hands of public entity
36	22	2706	4	Title 22, section 2706, relating to prohibition on release of vital records in violation of section; recipient must have "direct and legitimate interest" or meet other criteria
37	22	2706-A	6	Title 22, section 2706-A, subsection 6, relating to adoption contact files
38	22	2769	4	Title 22, section 2769, subsection 4, relating to adoption contact preference form and medical history form
39	22	3022	8, 12, 13	Title 22, section 3022, subsections 8, 12 and 13, relating to medical examiner information
40	22	3034	2	Title 22, section 3034, subsection 2, relating to the Chief Medical Examiner missing persons files
41	22	3188	4	Title 22, section 3188, subsection 4, relating to the Maine Managed Care Insurance Plan Demonstration for uninsured individuals
42	22	3192	13	Title 22, section 3192, subsection 13, relating to Community Health Access Program medical data
43	22	3474	1	Title 22, section 3474, subsection 1, relating to adult protective records
44	22	3762	3	Title 22, section 3762, subsection 3, relating to TANF recipients
45	22	4007	1-A	Title 22, section 4007, subsection 1-4, relating to a protected person's current or intended address or location in the context of child protection proceeding
46	22	4008	3-A	Title 22, section 4008, subsection 3-A, relating to the child death and serious injury review panel
47	22	4008	1	Title 22, section 4008, subsection 1, relating to child protective records
48	22	4008	3-A	Title 22, section 4008, subsection 3-A, relating to records of child death and serious injury review panel
49	22	4018	4	Title 22, section 4018, subsection 4, relating to information about a person delivering a child to a safe haven
50	22	4021	3	Title 22, section 4021, subsection 3, relating to information about interviewing a child without prior notification in a child protection case
51	22	4087-A	6	Title 22, section 4087-A, subsection 6, relating to information held by or records or case-specific reports maintained by the Child Welfare Ombudsman
52	22	4306		Title 22, section 4306, relating to general assistance

Existing Public Records Exceptions, Titles 22 - 25
Updated through Second Regular Session, 124th Legislature
May 18, 2010

	TITLE	SECTION	SUB-SECTION	DESCRIPTION
53	22	5328	1	Title 22, section 5328, subsection 1, relating to community action agencies records about applicants and providers of services
54	22	7250	1	Title 22, section 7250, subsection 1, relating to the Controlled Substances Prescription Monitoring Program
55	22	7703	2	Title 22, section 7703, subsection 2, relating to facilities for children and adults
56	22	8707		Title 22, section 8707, relating to the Maine Health Data Organization
57	22	8754		Title 22, section 8754, relating to medical sentinel events and reporting
58	22	8824	2	Title 22, section 8824, subsection 2, relating to the newborn hearing program
59	22	8943		Title 22, section 8943, relating to the registry for birth defects
60	23	63		Title 23, section 63, relating to records of the right-of-way divisions of the Department of Transportation and the Maine Turnpike Authority
61	23	753-A	3, 4, 6	Title 23, section 753-A, subsections 3, 4 and 6, relating to design-build contracts for state highways
62	23	1980	2-B	Title 23, section 1980, subsection 2-B, relating to recorded images used to enforce tolls on the Maine Turnpike
63	23	1982		Title 23, section 1982, relating to patrons of the Maine Turnpike
64	23	4251	10	Title 23, section 4251, subsection 10, relating to records in connection with public-private transportation project proposals of at least \$25,000,000 or imposing new tolls
65	23	8115		Title 23, section 8115, relating to the Northern New England Passenger Rail Authority
66	24	2302-A	3	Title 24, section 2302-A, subsection 3, relating to utilization review data provided by nonprofit hospital or medical service organization
67	24	2307	3	Title 24, section 2307, subsection 3, relating to an accountant's work papers concerning nonprofit hospital or medical service organizations
68	24	2329	8	Title 24, section 2329, subsection 8, relating to alcoholism and drug treatment patient records of nonprofit hospitals and medical service organizations
69	24	2510	1	Title 24, section 2510, subsection 1, relating to professional competence reports under the Maine Health Security Act
70	24	2510-A		Title 24, section 2510-A, relating to professional competence review records under the Maine Health Security Act
71	24	2604		Title 24, section 2604, relating to liability claims reports under the Maine Health Security Act

Existing Public Records Exceptions, Titles 22 - 25
Updated through Second Regular Session, 124th Legislature
May 18, 2010

	TITLE	SECTION	SUB-SECTION	DESCRIPTION
72	24	2853	1-A	Title 24, section 2853, subsection 1-A, relating to action for professional negligence under the Maine Health Security Act
73	24	2857	1, 2	Title 24, section 2857, subsections 1 and 2, relating to mandatory prelitigation screening and mediation panels
74	24	2986	2	Title 24, section 2986, subsection 2, relating to billing for forensic examinations for alleged victims of gross sexual assault
75	24	2986	3	Title 24, section 2986, subsection 3, relating to District Court hearings on storing or processing forensic examination kit of gross sexual assault
76	24-A	216	2, 5	Title 24-A, section 216, subsections 2 and 5, relating to relating to records of the Bureau of Insurance
77	24-A	222	13	Title 24-A, section 222, subsection 13, relating to insurance information filed with the Superintendent of Insurance concerning registration statements, tender offers, requests or invitations for tender offers, options to purchase, agreements
78	24-A	225	3	Title 24-A, section 225, subsection 3, relating to insurance examination reports
79	24-A	226	2	Title 24-A, section 226, subsection 2, relating to insurance examination reports furnished to the Governor, the Attorney General and the Treasurer of State pending final decision
80	24-A	227		Title 24-A, section 227, relating to information pertaining to individuals in insurance examination reports
81	24-A	414	4, 5	Title 24-A, section 414, subsections 4 and 5, relating to insurance certificate of authority audit work papers
82	24-A	423-C	4	Title 24-A, section 423-C, subsection 4, relating to insurance reports of material transactions
83	24-A	796-A		Title 24-A, section 796-A, relating to proprietary business information of special purpose insurance vehicle filed with the Superintendent of Insurance
84	24-A	952-A	4	Title 24-A, section 952-A, subsection 4, relating to actuarial opinion of reserves
85	24-A	994	2, 4	Title 24-A, section 994, subsection 2, paragraph A, and subsection 4 relating to property and casualty actuarial report, work papers or actuarial opinion summary in possession or control of Bureau of Insurance
86	24-A	1420-N	6	Title 24-A, section 1420-N, subsection 6, relating to insurers and producers
87	24-A	1905	1	Title 24-A, section 1905, subsection 1, relating to credit and investigative reports concerning insurance administrator applicants
88	24-A	1911		Title 24-A, section 1911, relating to insurance audits and examinations

Existing Public Records Exceptions, Titles 22 - 25
Updated through Second Regular Session, 124th Legislature
May 18, 2010

	TITLE	SECTION	SUB-SECTION	DESCRIPTION
89	24-A	2169-B	6	Title 24-A, section 2169-B, subsection 6, insurance scoring model
90	24-A	2187	6	Title 24-A, section 2187, subsection 6, relating to insurance fraud reporting
91	24-A	2204	4	Title 24-A, section 2204, subsection 4, relating to insurance investigative information (definition)
92	24-A	2304-A	7	Title 24-A, section 2304-A, subsection 7, relating to insurance rate filings
93	24-A	2315		Title 24-A, section 2315, relating to information submitted to fire insurance advisory organizations
94	24-A	2323	4	Title 24-A, section 2323, subsection 4, relating to reports of insurers concerning loss and expense experience
95	24-A	2384-B	8	Title 24-A, section 2384-B, subsection 8, relating to workers' compensation insurance rating concerning claims and self-insurance
96	24-A	2384-C	7	Title 24-A, section 2384-C, subsection 7, relating to workers' compensation insurance concerning claims and self-insurance
97	24-A	2393	2	Title 24-A, section 2393, subsection 2, relating to workers' compensation pool self-insurance and surcharges
98	24-A	2412	8	Title 24-A, section 2412, subsection 8, relating to insurance contracts and forms
99	24-A	2483	6	Title 24-A, section 2483, subsection 6, relating to the Interstate Insurance Product Regulation Commission work papers and individuals privacy and proprietary information of insurers
100	24-A	2736	2	Title 24-A, section 2736, subsection 2, relating to rate filings on individual health insurance policies
101	24-A	2749	3	Title 24-A, section 2749, subsection 3, relating to utilization review data for health insurance contracts
102	24-A	2808-B	2-A	Title 24-A, section 2808-B, subsection 2-A, relating to rate filings for small group health plans
103	24-A	2842	8	Title 24-A, section 2842, subsection 8, relating to relating to alcoholism and drug treatment patient records for group and blanket health insurance
104	24-A	2847	3	Title 24-a, section 2847, subsection 3, relating to utilization review data for group and blanket health insurance
105	24-A	4204	2-A	Title 24-A, section 4204, subsection 2-A, relating to quality assurance programs of health maintenance organizations
106	24-A	4224	1, 2	Title 24-A, section 4224, subsections 1 and 2, relating to quality assurance committees of health maintenance organizations
107	24-A	4228	3	Title 24-A, section 4228, subsection 3, relating to utilization review data for health maintenance organizations

Existing Public Records Exceptions, Titles 22 - 25
Updated through Second Regular Session, 124th Legislature
May 18, 2010

	TITLE	SECTION	SUB-SECTION	DESCRIPTION
108	24-A	4233	2	Title 24-A, section 4233, subsection 2, relating to health maintenance organizations work papers filed with the Superintendent of Insurance
109	24-A	4245	1, 3	Title 24-A, section 4245, subsections 1 and 3, relating to health maintenance organizations accreditation survey report
110	24-A	4406	3	Title 24-A, section 4406, subsection 3, relating to delinquent insurers
111	24-A	4612-A	1	Title 24-A, section 4612-A, subsection 1, relating to information reported by the Superintendent of Insurance to the National Association of Insurance Commissioners Insurance Regulatory Information System board
112	24-A	6458	1	Title 24-A, section 6458, subsection 1, relating to risk-based capital standards for insurers
113	24-A	6708	2	Title 24-A, section 6708, subsection 2, relating to examination of captive insurance companies documents
114	24-A	6715		Title 24-A, section 6715, relating to captive insurance companies information submitted to the Superintendent of Insurance
115	24-A	6807	7	Title 24-A, section 6807, subsection 7, paragraph A, relating to individual identification data of viators
116	24-A	6818	6, 8	Title 24-A, section 6818, subsections 6 and 8, relating to fraudulent viatical or life insurance settlements information provided for enforcement
117	24-A	6907	2	Title 24-A, section 6907, subsection 2, relating to health information obtained by Dirigo Health covered by the federal Health Insurance Portability and Accountability Act of 1996, or c. 24, or T.22 section 1711-C
118	24-A	6907	3	Title 24-A, section 6907, subsection 3, relating to practitioner-specific quality data collected, used, produced or maintained for measuring the professional performance of a health care practitioner by the Maine Quality Forum
119	24-A	6907	1	Title 24-A, section 6907, subsection 1, relating to personally identifiable financial information obtained by Dirigo Health
120	25	1577	1	Title 25, section 1577, subsection 1, relating to the state DNA data base and the state DNA data bank
121	25	2006		Title 25, section 2006, relating to concealed firearms permit applications
122	25	2413	1	Title 25, section 2413, subsection 1, relating to information received under the Arson Reporting Immunity Act
123	25	2806	8	Title 25, section 2806, subsection 8, relating to proceedings of the board of trustees of the Maine Criminal Justice Academy concerning complaints of misconduct of law enforcement officers

Existing Public Records Exceptions, Titles 22 - 25
Updated through Second Regular Session, 124th Legislature
May 18, 2010

	TITLE	SECTION	SUB-SECTION	DESCRIPTION
124	25	2929	1, 2, 3, 4	Title 25, section 2929, subsections 1, 2, 3 and 4, relating to emergency services communications
125	25	2929	2	Title 25, section 2929, subsection 2, relating to public safety answering point records
126	25	2957		Title 25, section 2957, relating to Maine Drug Enforcement Agency investigative records

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Preliminary

SENATE

DEBORAH L. SIMPSON, DISTRICT 15, CHAIR
TROY DALE JACKSON, DISTRICT 35
JONATHAN T. E. COURTNEY, DISTRICT 3

ANNA BROOME, LEGISLATIVE ANALYST
RHONDA MILLER, COMMITTEE CLERK



HOUSE

STEPHEN R. BEAUDETTE, BIDDEFORD, CHAIR
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MICHAEL CELLI, BREWER
TYLER CLARK, EASTON
LANCE EVANS HARVELL, Farmington

STATE OF MAINE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

COMMITTEE ON STATE AND LOCAL GOVERNMENT

March 9, 2010

Richard B. Thompson, Chief Information Officer
Office of Information Technology
145 State House Station
Augusta, ME 04333-0145

Dear Mr. Thompson,

The State and Local Government Committee recently heard and worked LD 1554, An Act Regarding Document Fees at County Registries of Deeds. Although the Committee has completed its work on this LD, considerable issues remain unresolved relating to the possible purchase and sale of bulk data from the 18 different deed registries across Maine.

As you know, requests for bulk records kept by various levels of government are becoming an increasing issue. Members of the Committee are not convinced that ownership of records should necessarily be transferred to private businesses given the costs involved in developing databases and collecting and keeping records. We understand that there is a likelihood that the Right To Know Advisory Committee will be asked to review issues involved with requests for public records in bulk as part of LD 1792, An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions.

In addition to the RTKAC issue, which you are no doubt involved in, we request that you convene a stakeholder group that specifically relates to county registry records and bulk data. The stakeholder group should include the Maine County Commissioners Association, the Register of Deeds Association, the Maine Association of Realtors, a person representing the interests of title attorneys, a representative from the Right to Know Advisory Committee, a representative from MacImage, and any other parties that are relevant and interested. The group should focus on defining bulk data transfers, evaluate the best way to handle such requests and the development of a web portal for the 18 county registry offices. We ask that you report back to our Committee by January 15th, 2011 so that we can consider this issue in the First Regular Session of the 125th Legislature.

If you have any questions please feel free to contact one of us, or the Committee's legislative analyst, Anna Broome.

Sincerely,

Handwritten signature of Senator Deborah L. Simpson.

Senator Deborah L. Simpson
Senate Chair

Handwritten signature of Representative Stephen R. Beaudette.

Representative Stephen R. Beaudette
House Chair

6

STATE OF MAINE

APPROVED

CHAPTER

MAR 25 '10

171

BY GOVERNOR

RESOLVES

IN THE YEAR OF OUR LORD

TWO THOUSAND AND TEN

H.P. 1093 - L.D. 1551

**Resolve, Directing the Right To Know Advisory Committee To Examine
Issues Related to Communications of Members of Public Bodies**

Sec. 1. Right To Know Advisory Committee review and recommendations. Resolved: That the Right To Know Advisory Committee shall examine the following issues and include recommendations in the annual report due January 15, 2011 under Title 1, section 411, subsection 10 concerning:

1. How the freedom of access laws can appropriately address the use of communication technologies, both existing and those to be developed in the future, to ensure that decisions are made in proceedings that are open and accessible to the public;

2. If penalties for violations of the freedom of access laws should be revised, including consideration of criminalizing violations and making the individual who violates the laws responsible for the penalty, rather than the governmental entity; and

3. If partisan party caucuses should be specifically excluded from the definition of "public proceedings."

APPROVED

CHAPTER

STATE OF MAINE

MAR 3 1 10

184

BY GOVERNOR

RESOLVES

IN THE YEAR OF OUR LORD

TWO THOUSAND AND TEN

H.P. 1288 - L.D. 1802

**Resolve, Directing the Right To Know Advisory Committee To Examine
Issues Related to Private Information Contained in the Communications of
Public Officials**

Sec. 1. Electronic and other communications. Resolved: That the Right To Know Advisory Committee, established under the Maine Revised Statutes, Title 1, section 411, shall examine issues relating to the protection of private information contained in electronic and other communications that are sent and received by public officials, particularly communications between elected public officials and their constituents. The advisory committee shall consider confidentiality requirements related to Legislators' oversight responsibilities. The advisory committee shall also consider appropriate warnings for public officials to provide with regard to communications that are or may be public records. The advisory committee shall submit a report containing its findings and recommendations with suggested legislation to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than November 30, 2010.



STATE OF MAINE

MAR 3 1 '10 575

IN THE YEAR OF OUR LORD BY GOVERNOR PUBLIC LAW
TWO THOUSAND AND TEN

H.P. 1096 - L.D. 1554

An Act Regarding Document Fees at County Registries of Deeds**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 33 MRSA §651, as repealed and replaced by PL 2003, c. 55, §1, is amended to read:

§651. Records; index

The records and indexes in each registry office must be made and kept for public inspection on at least one of the following media: white, acid-free paper, microfilm, microfiche, or digital image stored on magnetic or optical media. The register shall make an alphabetical index to the records without charge to the county so that the same surnames are recorded together and shall show in addition to the names of the parties and the nature of the instrument, the date of the instrument, the date of its record and the name of the city, town or unincorporated place where the land conveyed is situated. As often as every 10 years the register shall revise and consolidate the index in such manner that all deeds recorded since the last revision of the index are indexed so that the same surnames appear together and all names are in alphabetical order. The revised and consolidated index must contain all data as to each and every deed or other instrument referred to in this section. If it becomes necessary to revise, renew or replace any index, the new index must be made in conformity with this section.

When the register of deeds is required by law or common practice to make a note in the margin of a record, it is determined sufficient if the note is made to the index in such a fashion that the note becomes a permanent part of the indexing of the record to which the marginal note is required to be made.

The register shall prepare, or have prepared, a microfilm record of each page of every instrument, plan or other document recorded in the registry office. The microfilm record made must be stored in a fireproof area. When original record books or plans are considered by the register to be in a condition that warrants withdrawal from regular use, the register may make a true copy of the contents of the record or may provide suitable means for reading the microfilm, microfiche or digital image stored on magnetic or optical media of the instruments withdrawn. The records and certified copies made either

from the true copy or from images stored as provided in this section must be received in all courts of law with the same legal effect as those contained in the original.

Notwithstanding Title 1, section 408, subsection 3, this chapter governs fees for copying records maintained under this chapter.

Sec. 2. 33 MRSA §751, sub-§14, as amended by PL 1991, c. 497, §8, is further amended to read:

14. Abstracts and copies. Making abstracts and copies from the records, a reasonable fee as determined by the county commissioners for each category of abstracts and copies, such as paper copies, attested copies, copies obtained online and bulk transfers of copies. In setting a reasonable fee for each category of abstracts and copies, the commissioners shall consider factors relating to the cost of producing and making copies available, which may include, but are not limited to: the cost of depleted supplies; records storage media costs; actual mailing and alternative delivery costs or other transmitting costs; amortized infrastructure costs; any direct equipment operating and maintenance costs; costs associated with media processing time; personnel costs, including actual costs paid to private contractors for copying services; contract and contractor costs for database maintenance and for online provision and bulk transfer of copies in a manner that protects the security and integrity of registry documents; and a reasonable rate for the time a computer server is dedicated to fulfilling the request; and

STATE OF MAINE

MAR 29 '10

564

BY GOVERNOR PUBLIC LAW

IN THE YEAR OF OUR LORD

TWO THOUSAND AND TEN

H.P. 1155 - L.D. 1627

An Act To Improve Access to Data in the Central Voter Registration System**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 21-A MRSA §22, sub-§3, ¶B, as enacted by PL 2005, c. 568, §2, is amended to read:

B. For a voter who submits to the registrar a signed statement that the voter has a good reason to believe that the physical safety of the voter or a member of the voter's immediate family residing with the voter would be jeopardized if the voter's residence address were open to public inspection, that voter's residence address and mailing address, if the mailing address is the same as or discloses the voter's residence address, must be kept confidential and must be excluded from public inspection. The remainder of the information in that voter's record that is designated as public information in section ~~196~~ 196-A remains a public record and may be made available to the public according to the use and distribution requirements provided in that section. The voter's signed statement is also a public record. A voter's address that is excluded from public inspection under this paragraph may be made available free of charge to a law enforcement officer or law enforcement agency that makes a written request to use the information for a bona fide law enforcement purpose or to a person identified by a court order if directed by that order.

Sec. 2. 21-A MRSA §191, as amended by PL 2005, c. 364, §6; c. 453, §40; and c. 683, Pt. A, §§31 and 32, is repealed.

Sec. 3. 21-A MRSA §192, as amended by PL 2005, c. 12, Pt. SS, §21 and c. 453, §41, is repealed.

Sec. 4. 21-A MRSA §193, as amended by PL 2005, c. 453, §42, is repealed.

Sec. 5. 21-A MRSA §194, as amended by PL 2005, c. 453, §43, is further amended to read:

§194. Rules

The Secretary of State may adopt rules regarding ~~implementation and~~ administration of a central voter registration system to determine the pricing, accessibility and

availability of information contained in the database and the appropriate use and resale of that information; ~~to establish a plan to implement the system in stages for all municipal jurisdictions; and to identify additional system features or voter information to be included in the system or provide for the confidentiality of certain personal information or limitations on the use and distribution of that information; and to establish a system to identify duplicate records, including establishment of a voter identification indicator.~~

Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter H-A 2-A.

Sec. 6. 21-A MRSA §195, as amended by PL 2007, c. 397, §1, is further amended to read:

§195. Report

The Secretary of State shall report annually, by ~~March 1st~~ January 15th, to the joint standing committee of the Legislature having jurisdiction over voter registration matters on the administration of the central voter registration system ~~developed pursuant to this subchapter.~~ The report may ~~include~~ address issues of public access to the information from the central voter registration system, taking into consideration the compelling state interests to prevent voter fraud and the potential disenfranchisement of voters and to ensure that voters are not discouraged from participating in the voting process. The report may include suggested legislation necessary to administer the central voter registration system. The committee may report out legislation regarding the central voter registration system to the Legislature ~~during the First Regular Session of the 121st Legislature and any subsequent Legislature.~~

Sec. 7. 21-A MRSA §196, as amended by PL 2009, c. 370, §§4 and 5, is repealed.

Sec. 8. 21-A MRSA §196-A is enacted to read:

§196-A. Use and distribution of central voter registration system information

1. Access to data from the central voter registration system. For the purposes of Title 1, section 402, information contained electronically in the central voter registration system and any information or reports generated by the system are confidential and may be accessed only by municipal and state election officials for the purposes of election and voter registration administration, and by others only as provided in this section.

A. An individual voter may obtain any information contained in that voter's record within the central voter registration system either from the registrar in the voter's municipality of residence or from the Secretary of State. The individual voter information must be made available to that voter upon request and free of charge. The Secretary of State may design a report to facilitate providing information to an individual voter.

B. A political party, or an individual or organization engaged in so-called "get out the vote" efforts or activities directly related to a campaign, may purchase a list or report of certain voter information from the central voter registration system by making a request to the Secretary of State or to a registrar if the information

requested concerns voters in that municipality. The Secretary of State or the registrar shall make available the following voter record information, subject to the fees set forth in subsection 2: the voter's name, residence address, mailing address, year of birth, enrollment status, electoral districts, voter status, date of registration, date of change of the voter record if applicable, voter participation history, voter record number and any special designations indicating uniformed service voters, overseas voters or township voters. Any person obtaining, either directly or indirectly, information from the central voter registration system under this paragraph may not sell, distribute or use the data for any purpose that is not directly related to activities of a political party, "get out the vote" efforts or activities directly related to a campaign. This paragraph does not prohibit political parties, party committees, candidate committees, political action committees or any other organizations that have purchased information from the central voter registration system from providing access to such information to their members for purposes directly related to party activities, "get out the vote" efforts or a campaign. For purposes of this paragraph, "campaign" has the same meaning as in section 1052, subsection 1.

C. The registrar shall make available, in electronic form and free of charge, upon the request of any person authorized under section 312 to obtain a municipal caucus list, the following voter record information for each voter in the municipality: the voter's name, residence address, mailing address, enrollment status, electoral districts, voter status, voter record number and any special designation indicating whether the voter is a uniformed service voter, overseas voter or township voter. The Secretary of State also shall make available the statewide caucus list, in electronic form and free of charge, to the state committee of each political party.

D. A municipal clerk or registrar shall make available to any person upon request and free of charge an electronic list of voters who requested or were furnished absentee ballots for their municipality for a specified election. The Secretary of State may make available free of charge the statewide absentee voter list in electronic form. The electronic list must include the information provided in section 753-B, subsection 6, paragraph A, except that the voter's record number must be provided instead of the voter's name and residence address. In addition, a municipal clerk or registrar shall make available upon request, subject to the fees set forth in subsection 2, paragraph A, the printed list, created and maintained pursuant to section 753-B, of voters who requested or were furnished absentee ballots.

E. The Secretary of State or a registrar may make available, upon the request of any other governmental or quasi-governmental entity, certain voter information for that entity's authorized use only. The following information may be provided in electronic form and free of charge: the voter's name, residence address, mailing address, electoral districts, voter status, date of registration or date of change of the voter record if applicable, voter record number and any special designations indicating uniformed service voters, overseas voters or township voters. Data made available under this paragraph may not be used for solicitation or for purposes other than the governmental or quasi-governmental entity's authorized activities and may not be redistributed.

Authorized uses of the data by the Legislature include providing voter information to a Legislator for purposes of communicating with the Legislator's constituents and conducting legislative business.

F. The Secretary of State shall make available to any person upon request and free of charge the following voter record information in electronic form: either the voter's first name or last name, but not both names in the same report; year of birth; enrollment status; electoral districts to include congressional district and county only; voter status; date of registration or date of change of the voter record if applicable; date of the last statewide election in which the voter voted; and any special designations indicating uniformed service voters, overseas voters or township voters. The Secretary of State or the registrar also may make available to any person upon request and free of charge any report or statistical information that does not contain the names, dates of birth, voter record numbers or addresses of individual voters.

G. The Secretary of State or a registrar shall make available free of charge any information pertaining to individual voters, other than participants in the Address Confidentiality Program established in Title 5, section 90-B, that is contained in the central voter registration system to a law enforcement officer or law enforcement agency that makes a written request to use the information for a bona fide law enforcement purpose or to a person identified by a court order if directed by that order. Information pertaining to individual voters who are Address Confidentiality Program participants that is contained in the central voter registration system may be made available for inspection to a law enforcement agency that is authorized by the Secretary of State pursuant to Title 5, section 90-B to obtain Address Confidentiality Program information. Data made available under this paragraph may not be used for purposes other than law enforcement or as directed in the court order.

H. When responding to a request about a specific voter registered in a specific municipality, the registrar of that municipality or the Secretary of State may use information contained in the central voter registration system to provide the registration status, enrollment status and electoral districts for that voter.

2. Fees. For the purpose of calculating fees pursuant to this section, a record includes the information on one individual voter. Fees paid to the Secretary of State must be deposited into a dedicated fund for the purpose of offsetting the cost of providing the information and maintaining the central voter registration system and other authorized costs relating to compliance with the federal Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666. A municipality may keep the fees paid to the municipality. The fees for information provided pursuant to this section are as follows:

A. The fee for information provided in printed form is \$1 for the first page and 25¢ per page for all additional pages, except that the fee for additional pages of mailing labels is 75¢ per page; and

B. The fee for information provided in electronic form is based on the number of records requested. The fee entitles the requestor to receive the initial electronic report or file and, upon request, up to 11 updates free of charge during the subsequent 12-month period, except that no more than one free update may be requested during any 30-day period. The fee schedule is as follows:

- (1) For 900,001 or more voter records, \$2,200;
- (2) For 600,001 to 900,000 voter records, \$1,650;
- (3) For 400,001 to 600,000 voter records, \$1,100;
- (4) For 250,001 to 400,000 voter records, \$825;
- (5) For 150,001 to 250,000 voter records, \$550;
- (6) For 100,001 to 150,000 voter records, \$275;
- (7) For 75,001 to 100,000 voter records, \$220;
- (8) For 50,001 to 75,000 voter records, \$182;
- (9) For 35,001 to 50,000 voter records, \$138;
- (10) For 25,001 to 35,000 voter records, \$83;
- (11) For 15,001 to 25,000 voter records, \$55;
- (12) For 7,501 to 15,000 voter records, \$33;
- (13) For 1,001 to 7,500 voter records, \$22; or
- (14) For 1 to 1,000 voter records, \$11.

3. Response to requests. Municipal clerks, registrars and the Secretary of State's office shall respond to all requests for information from the central voter registration system pursuant to this section within 5 business days of receipt of a written request and upon payment of any applicable fee. A municipal clerk or registrar may provide only information concerning voters registered within that municipal jurisdiction. The Secretary of State may design a form to be used for all requests for information or lists from the central voter registration system.

Sec. 9. 21-A MRSA §312, as amended by PL 2005, c. 453, §45, is further amended to read:

§312. Municipal caucus list

The chair or secretary of the municipal committee or the person or persons calling a biennial municipal caucus, including any resident voter pursuant to section 311, subsection 5, may request from the municipal registrar and receive at no charge a certified copy of a list of voters registered in that municipality a list of registered voters pursuant to section 196-A, subsection 1 for use by the municipal committee once each biennial election cycle beginning January 1st in an election year. ~~Upon receipt of a request, the registrar has 5 business days to prepare and provide the municipal caucus list to the requester. The municipal caucus list may include only the following information for each voter: name, residence address, mailing address, enrollment status, electoral district, voter status as active or inactive, voter record number and any special designation indicating whether the voter is a uniformed service voter, overseas voter or township voter.~~

Sec. 10. Application. This Act does not apply to any requests for information from the central voter registration system submitted to a municipal registrar or to the Secretary of State prior to the effective date of this Act, except that any person or entity that has requested information from the central voter registration system in electronic form within 12 months prior to the effective date of this Act and that has paid the fees required under the Maine Revised Statutes, Title 21-A, former section 196, subsection 4 may obtain free monthly updates of the data for the remainder of the 12-month period, upon request.

RIGHT TO KNOW ADVISORY COMMITTEE

DRAFT AGENDA

October 21, 2010

1:00 p.m.

Room 438, State House, Augusta

Convene

1. Welcome and Introductions
Senator Barry Hobbins, Chair

2. Subcommittee Reports
 - A. Legislative Subcommittee, Chris Spruce, Chair

 - B. Bulk Records Subcommittee, Bob Devlin, Chair
Next meeting scheduled for October 27, 2010

 - C. Public Records Exceptions Subcommittee, Shenna Bellows, Chair
Update from meeting on October 18, 2010

3. Education and training for elected public officials - continuing discussion

4. Other old business

5. New business

6. Scheduling future meetings, subcommittee meetings
Currently scheduled after 10/21/10:
 - Bulk Records Subcommittee: 10/27/10 at 10:00 a.m.
 - Full Committee: 11/18/10 at 1:00 p.m.

Adjourn

Right to Know Advisory Committee
Legislative Subcommittee
DRAFT: Public records and proceedings training

Sec. #. 1 MRSA §412 is amended to read:

§412. Public records and proceedings training for certain elected officials

1. Training required. ~~Beginning July 1, 2008, an~~ An elected official subject to this section shall complete a course of training on the requirements of this chapter relating to public records and proceedings. The official shall complete the training not later than the 120th day after the date the elected official takes the oath of office to assume the person's duties as an elected official. ~~For elected officials subject to this section serving in office on July 1, 2008, the training required by this section must be completed by November 1, 2008.~~

1-A. Training for certain appointed officials. Beginning July 1, 2011, an appointed county clerk or municipal clerk shall complete a course of training on the requirements of this chapter relating to public records and proceedings. The appointed clerk shall complete the training not later than the 120th day after the date the appointed clerk takes the oath of office to assume the person's duties. For appointed clerks subject to this section serving in office on July 1, 2011, the training required by this section must be completed by November 1, 2011.

2. Training course; minimum requirements. The training course under subsection subsections 1 and 1-A must be designed to be completed by an official in less than 2 hours. At a minimum, the training must include instruction in:

- A. The general legal requirements of this chapter regarding public records and public proceedings;
- B. Procedures and requirements regarding complying with a request for a public record under this chapter; and
- C. Penalties and other consequences for failure to comply with this chapter.

An elected official or appointed clerk meets the training requirements of this section by conducting a thorough review of all the information made available by the State on a publicly accessible website pursuant to section 411, subsection 6, paragraph C regarding specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. To meet the requirements of this subsection, any other training course must include all of this information and may include additional information.

3. Certification of completion. Upon completion of the training course required under subsection 1, the elected official or appointed clerk shall make a written or an electronic record attesting to the fact that the training has been completed. The record must identify the training

completed and the date of completion. The elected official or appointed clerk shall keep the record or file it with the public entity to which the official was elected.

4. Application. This section applies to the following ~~elected~~ officials:

- A. The Governor;
- B. The Attorney General, Secretary of State, Treasurer of State and State Auditor;
- C. Members of the Legislature elected after November 1, 2008;
- D.
- E. The following county government officials who are elected: ~~Commissioners, commissioners,~~ treasurers, district attorneys, sheriffs, registers of deeds, registers of probate and budget committee members ~~of county governments;~~
- E-1. Appointed county clerks;
- F. The following municipal government officials who are elected: ~~Municipal municipal~~ officers, clerks, treasurers, assessors and budget committee members ~~of municipal governments;~~
- F-1. Appointed municipal clerks;
- G. Elected Officials officials of school units and school boards; and
- H. Elected Officials officials of a regional or other political subdivision who, as part of the duties of their offices, exercise executive or legislative powers. For the purposes of this paragraph, "regional or other political subdivision" means an administrative entity or instrumentality created pursuant to Title 30-A, chapter 115 or 119 or a quasi-municipal corporation or special purpose district, including, but not limited to, a water district, sanitary district, hospital district, school district of any type, an airport authority established pursuant to Title 6, chapter 10, transit district as defined in Title 30-A, section 3501, subsection 1 or regional transportation corporation as defined in Title 30-A, section 3501, subsection 2.

Other issues previously discussed:

- Require training for legislators every year (or session?), even those trained in prior sessions
- Require training for all appointed officials who perform the same tasks as elected officials who are required to complete training
- Require training for all supervisors who oversee the work of officials who are required to have training
- Initial training enough or repeated training at some interval?

Right to Know Advisory Committee
Legislative Subcommittee
DRAFT: Confidential communications

Sec. 1. 1 MRSA §402, sub-§5 is enacted to read:

5. Public officials' communications. A record involving communications between a person and a public official is a public record except for information contained in the record that:

A. Is excepted from the definition of public record in subsection 3;

B. Is designated as confidential by statute; or

C. Would be confidential if it were in the possession of another public agency or official.

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Legislator/Elected Official E-mail

Colorado

24-72-202 (6)(II)

(II) "Public records" includes the correspondence of elected officials, except to the extent that such correspondence is:

- (A) Work product;
- (B) Without a demonstrable connection to the exercise of functions required or authorized by law or administrative rule and does not involve the receipt or expenditure of public funds;
- (C) A communication from a constituent to an elected official that clearly implies by its nature or content that the constituent expects that it is confidential or a communication from the elected official in response to such a communication from a constituent; or
- (D) Subject to nondisclosure as required in section 24-72-204 (1).

Montana

2-6-102. Citizens entitled to inspect and copy public writings. (1) Every citizen has a right to inspect and take a copy of any public writings of this state, except as provided in 22-1-1103, 22-3-807, or subsection (3) of this section and as otherwise expressly provided by statute.

(2) Every public officer having the custody of a public writing that a citizen has a right to inspect is bound to give the citizen on demand a certified copy of it, on payment of the legal fees for the copy, and the copy is admissible as evidence in like cases and with like effect as the original writing. The certified copy provision of this subsection does not apply to the public record of electronic mail provided in an electronic format.

(3) Records and materials that are constitutionally protected from disclosure are not subject to the provisions of this section. Information that is constitutionally protected from disclosure is information in which there is an individual privacy interest that clearly exceeds the merits of public disclosure, including legitimate trade secrets, as defined in 30-14-402, and matters related to individual or public safety.

(4) A public officer may withhold from public scrutiny information relating to individual privacy or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if release of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility. Security features that may be protected under this section include but are not limited to architectural floor plans, blueprints, designs, drawings, building materials, alarms system plans, surveillance techniques, and facility staffing plans, including staff numbers and locations. A public officer may not withhold from public scrutiny any more information than is required to protect an individual privacy interest or safety or security interest.

New Jersey

47:1A-1.1 Definitions

A government record shall not include the following information which is deemed to be confidential for the purposes of P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

- information received by a member of the Legislature from a constituent or information held by a member of the Legislature concerning a constituent, including but not limited to information in written form or contained in any e-mail or computer data base, or in any telephone record whatsoever, unless it is information the constituent is required by law to transmit;

Legislator/Elected Official E-mail

- any memorandum, correspondence, notes, report or other communication prepared by, or for, the specific use of a member of the Legislature in the course of the member's official duties, except that this provision shall not apply to an otherwise publicly-accessible report which is required by law to be submitted to the Legislature or its members;

Rhode Island

§38-2-2 Definitions.

(4) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities) or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. For the purposes of this chapter, the following records shall not be deemed public:

(A) All records which are identifiable to an individual applicant for benefits, client, patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare, employment security, pupil records, all records relating to a client/attorney relationship and to a doctor/patient relationship, and all personal or medical information relating to an individual in any files, including information relating to medical or psychological facts, personal finances, welfare, employment security, student performance, or information in personnel files maintained to hire, evaluate, promote, or discipline any employee of a public body; provided, however, with respect to employees, the name, gross salary, salary range, total cost of paid fringe benefits, gross amount received in overtime, and other remuneration in addition to salary, job title, job description, dates of employment and positions held with the state or municipality, work location, business telephone number, the city or town of residence, and date of termination shall be public.

...

(M) Correspondence of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities.

(ii) However, any reasonably segregable portion of a public record excluded by this section shall be available for public inspections after the deletion of the information which is the basis of the exclusion, if disclosure of the segregable portion does not violate the intent of this section.

Delaware

Title 29, § 10002. Definitions.

(g) "Public record" is information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected, by any public body, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored,

Legislator/Elected Official E-mail

recorded or reproduced. For purposes of this chapter, the following records shall not be deemed public:

(16) Emails received or sent by members of the Delaware General Assembly or their staff;

(19) Any communications between a member of the General Assembly and that General Assembly member's constituent, or communications by a member of the General Assembly on behalf of that General Assembly member's constituent, or communications between members of the General Assembly.

Texas

Sec. 552.109. EXCEPTION: CERTAIN PRIVATE COMMUNICATIONS OF AN ELECTED OFFICE HOLDER. Private correspondence or communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy are excepted from the requirements of Section 552.021 (*availability of public information*).

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The Private Life of E-Mail

The digital age has complicated the definition of what's a public document.

BY PAM GREENBERG

What's public some of the time, private some of the time, and potentially confusing almost all of the time?

If you're a state legislator, it's probably your e-mail.

Consider this scenario. You're at your desk on the House floor, thumbing through e-mail messages on your personal BlackBerry. One message is from your wife, asking if you will be at parent teacher conferences. Another message is a BlackBerry "PIN" message from a lobbyist, explaining her position on a bill coming up for a vote. On the desk in front of you is your state-owned laptop, which displays messages from constituents in your state e-mail account. Another window on the laptop is opened to your private Yahoo e-mail account. In yet another browser window, your Facebook page is open, showing the messages you've sent to your friends, constituents and legislative colleagues.

Which of these communications is a public record? Which messages will you save, and which will you delete? The answer can depend on the state you live in, the content of the messages, court rulings and how your state's constitution is written.

Openness and transparency in government

Author credit: Pam Greenberg follows public records and technology issues for NCSL.

"When it comes to private conversations, there's a difference between need to know and want to know."

DELAWARE HOUSE MAJORITY LEADER
PETER C. SCHWARTZKOPF

are essential democratic principles that foster accountability, promote the public trust and prevent abuses by those in power. But there are important privacy interests and fundamental constitutional doctrines that require a careful balancing act when considering public records laws. E-mail and new technologies create added complexities and challenges to the debate.

WHAT'S PRIVATE?

In six states—Colorado, Delaware, Montana, New Jersey, Rhode Island, Texas—statutes specifically address whether legislators' e-mails are considered public records. In most of these states, the laws are the result of a balancing act between the public's right to know and an individual's right to privacy.

In Delaware, the balancing act surfaced earlier this year when the General Assembly considered amending the state's Freedom of Information Act. The bill brought the legislature under the same public records and open

meetings provisions that applied to other government officials and agencies. The bill was at risk of failing because some lawmakers felt legislators' e-mails should be kept private.

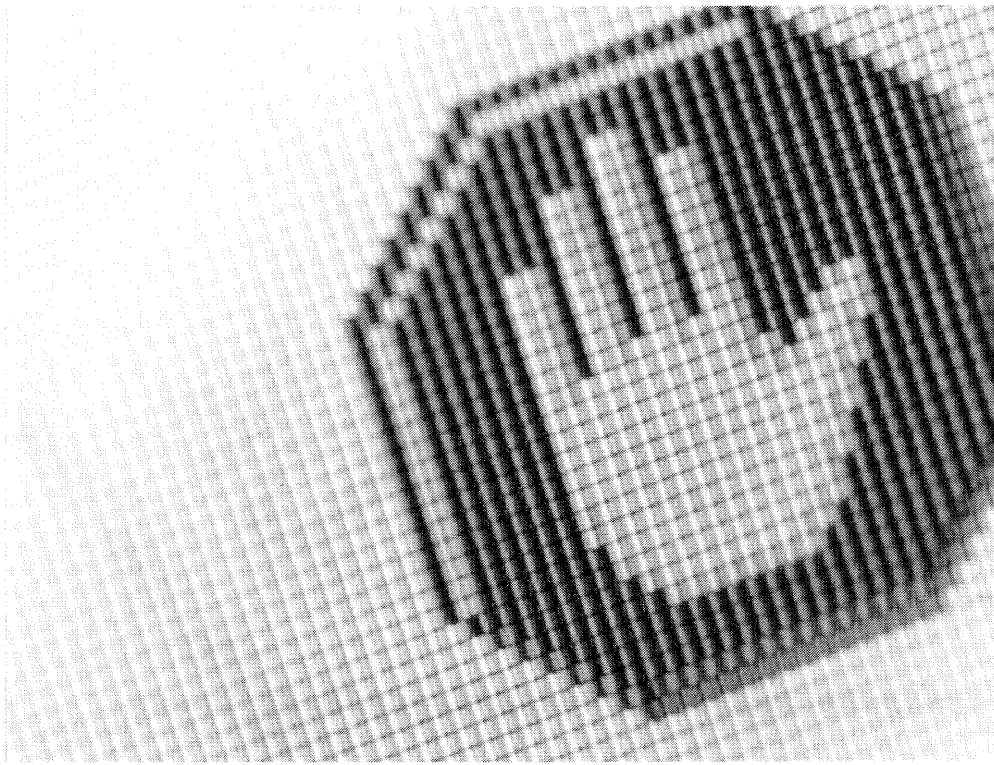
"One of their biggest concerns was that we have so many e-mails from constituents talking about sensitive problems, problems with health care, and some are very descriptive," says Delaware House Majority Leader Peter C. Schwartzkopf. "We support open government and the public's right to know, but quite frankly, constituents bare their souls to us sometimes. When it comes to private conversations, there's a difference between need to know and want to know."

That does not mean, however, that the e-mails are protected in criminal proceedings or investigations of wrongdoing, he says.

In a blog posting about the Legislature's public records law, former Utah Senator David L. Thomas described another reason why some legislators want to keep their e-mail correspondence private. "Citizens have a right of privacy in personal and confi-



HOUSE MAJORITY
LEADER
PETER C.
SCHWARTZKOPF
DELAWARE



ARE IMS A MEETING?

Courts have consistently found e-mails are more like a memo than a conversation. But what about instant messages, text messages and chat rooms?

In Virginia, the state Supreme Court ruled e-mails among three or more members of a public body are not subject to open meeting requirements because they do not constitute “immediate comment and response.” The court noted, however, that “some electronic communication may constitute a ‘meeting,’ and some may not.”

It specifically noted that in Internet chat rooms or instant messaging, the communication is virtually simultaneous and could be considered a public meeting.

The Missouri General Assembly confirmed this view in legislation passed in 2006. Meetings conducted through conference call, videoconference, Internet chat or Internet message board can be public meetings if any public business is discussed or decided, or if public policy is formulated. The law also requires a notice of these types of meetings to be posted in advance on a public website.

dential correspondence, without which their constitutional right to petition their government would be negatively affected,” he says. “No right to privacy means no whistle-blowers. Citizens want to feel secure in contacting their elected representatives without the fear that someone is spying on them.”

But open government groups don’t see it that way.

“It’s not very often I talk to citizens who want their e-mail private,” says Lucy Dalglish, executive director of the Reporters Committee for Freedom of the Press. “Citizens generally want help, and unless their message falls into the category of sensitive medical or financial information, it should be public. If the message is that sensitive, you should be able to make some of the exemptions in your regular state public records law apply to that communication.”

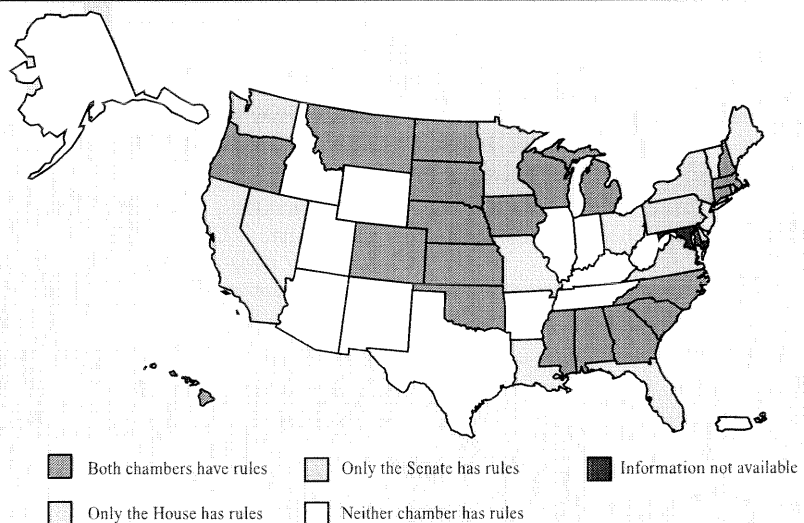
CONSTITUTIONAL QUESTION

Legislators are often criticized for exempting themselves from public records laws that apply to other public officials. In some states, however, the exemptions are the result of long-standing state constitutional provisions similar to the U.S. Constitution’s Speech or Debate Clause. Speech and debate provisions grant legislators a “legislative privilege” in connection with legislative work, freeing them to deliberate candidly without intimidation from the judicial or executive branch.

Steven Huefner, a law professor at the Michael E. Moritz College of Law at Ohio State University, says without these protections, the legislative process could be harmed, “diminishing legislators’ willingness to think creatively, solicit diverse opinions and advice, or explore what in hindsight turn out to be blind alleys.”

This legislative privilege has been cited in a variety of court rulings, attorney general opinions and other disputes that have resulted in conflicting decisions about the privacy of

LEGISLATIVE RULES GOVERNING ELECTRONIC DEVICES



Note: Nebraska and the Virgin Islands both have unicameral legislatures.

6

MANAGING “SMOKING” E-MAIL

Advances in technology and the growth of electronic communications have elevated the importance of electronic evidence. In fact, information stored in computers and on electronic devices frequently is the “smoking gun” in litigation.

In 2006, the Federal Rules of Civil Procedures were amended to require federal courts to treat electronic documents the same as paper documents in litigation discovery requests. Almost half the states have adopted specific rules to manage electronic discovery, often referred to as e-discovery.

“Most states require that, when there is ‘reasonable anticipation of litigation,’ records—paper and electronic—must be preserved in case they must eventually be disclosed,” says Robert Joyce, a professor of public law and government at the University of North Carolina.

The changes in discovery requirements have created significant challenges for government.

More than 95 percent of a typical state agency’s documents are in electronic form, according to Gary Robinson, the former chief information officer in Washington state who chaired an e-discovery working group for the National Association of State Chief Information Officers.

E-discovery requests can include extremely volatile information such as e-mail, voice mail, instant messages, wikis and blogs, and other communications delivered through or stored via the Internet. Because of the difficulty of identifying where information is located and how it can be retrieved, e-discovery obligations can be very expensive. If a party in litigation is unable to locate and retrieve discoverable information, he may be penalized for his failure, and that could hurt his chances of winning the lawsuit.

E-discovery is proving to be a strong motivator for states to strengthen records management and digital preservation efforts.

Jo Anne Bourquard, NCSL

legislative records and communications.

Other kinds of state constitutional provisions also come into play.

In Delaware, for example, legislators heard conflicting legal opinions about whether their proposed legislation was constitutional.

“The state’s constitution says one General Assembly cannot bind the hands of the next,” says Schwartzkopf, “so there was discussion about putting the FOIA provisions in legislative rules instead of statute. But the bottom line is that we expect other political divisions to operate under FOIA, so there’s no reason we shouldn’t hold ourselves to that standard.”

CONTENT IS KEY

In some states, including Alaska and Florida, the content of a message—regardless of format or physical characteristics—determines if it’s a public record.

“The mere fact that an e-mail message is received on a government computer issued to a public official for the conduct of the public’s business does not of itself make the e-mail message a public record,” says Robert Joyce, a professor of public law and government at the University of North Carolina. “The invitation to go bowling does not become a public record just because it was received on a government computer.”

And just because an e-mail message is received on a personal home computer or BlackBerry does not, in itself, mean the e-mail is not a public record.

In Alaska, former Governor Sarah Palin regularly used her private Yahoo e-mail account instead of the state e-mail system to communicate with aides and to conduct state business. An Alaska Superior Court judge in August ruled just because the records related in some way to state business didn’t mean they were necessarily public record.

A 2003 Florida Supreme Court decision also illustrates the content versus format ques-

“If the message is that sensitive, you should be able to make some of the exemptions in your regular state public records law apply to that communication.”

LUCY DALGLISH, EXECUTIVE DIRECTOR,
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS

tion. A Florida newspaper had requested all the e-mails of two city employees, arguing that it was entitled to them since they were made on publicly owned computers. The employees sorted the e-mails, and supplied only those that related to official business. Deciding in favor of the employees, the court held that the determining factor of whether a document is a public record lies in the nature of the record, not its physical location. Personal e-mails, the court said, do not fall within the scope of the transaction of official business and therefore are not public records.

TECHNOLOGY OUTSTRIPS THE LAW

BlackBerries, iPhones and other devices are becoming essential tools for many state lawmakers, but their text messaging capabilities in particular are raising new questions.

“They might make it easier to communicate with constituents and other legislators, but there’s really no functional difference in writing a message and a letter,” says Dalglish. “Many public officials think that using a BlackBerry is like a telephone conversation, but it’s not a phone call, it’s a memo. If you don’t want something to be part of the permanent record, pick up the phone. Courts have consistently found that e-mails are more like a memo than a conversation.”

FEW STATES DEAL DIRECTLY WITH E-MAIL

Six states specifically address in statute whether legislators' e-mail communications are public record.

◆ Colorado law classifies e-mail messages sent or received by legislators as public records, but exempts communications that a constituent "would have reason to expect to remain confidential."

◆ New Jersey law treats e-mail as a public record, but excludes information legislators receive from a constituent or concerning a constituent.

◆ In Rhode Island, e-mail messages between legislators and constituents or other elected officials are exempt from the public records law.


◆ Delaware excludes from public disclosure any e-mails received or sent by members of the Delaware General Assembly.

◆ Texas law prohibits public disclosure of electronic communications between citizens and members of the Legislature and the lieutenant governor unless the citizen authorizes disclosure.

◆ In Montana, all electronic messages used for transaction of official business are deemed public records, including constituent communications, "unless constitutionally protected by individual privacy interests."

a long time and is a factor in this debate.

"We started passing public records laws decades ago. For citizens to be actively engaged in their communities, they need information," she says. "They need to know how decisions are being made and how their tax dollars are being spent, and they should have a presumptive access to that information. New technologies are a blessing and a curse."

 **CHECK OUT** video of Washington state lawmakers debating an open records law at www.ncsl.org/magazine.

Handheld devices also come with new features that can create more questions. In Florida, staff and commissioners of the Public Service Commission used PIN numbers to exchange messages BlackBerry-to-BlackBerry with Florida Power & Light lobbyists. PIN messages usually do not pass through an e-mail server and are easily deleted, raising suspicion that the PINs were being used to circumvent public records laws. The local controversy also prompted some media outlets to question similar types of exchanges between lawmakers and lobbyists during legislative hearings.

NEW SITES, NEW CONCERNS

Social networking sites also are raising questions for public officials who use them. The city of Coral Springs, Fla., sought an attorney general opinion about whether a city Facebook page, and any communications and other information about the city's Facebook "friends" (including the friends' respective Facebook pages), would be subject to the state's public records laws. The attorney general said a determination would depend on whether the information was made or received as part of official business by or on behalf of a public agency. Commissioners' communications on the city's Facebook page could also be subject to Florida's Sunshine Law and its retention schedules. Some social media users might not be aware that even on sites that allow them to keep postings private, the information could be made available to anyone if required by public records laws, by the site's terms of use contract, or even by other "friends" or users.

Discussions about the open records implications of public officials' use of social media are also coming up in other states. A recent online article by Megan Crowley of the Utah Center for Public Policy and Administration suggests that public officials should analyze the content of their social media postings to

"The invitation to go bowling does not become a public record just because it was received on a government computer."

ROBERT JOYCE,
UNIVERSITY OF NORTH CAROLINA

determine if they fall under the state's Government Records Management Act. Questions Crowley suggests considering include: "Does the information exist in another or original format? Is the information meaningful in conducting government business and for how long? Is the social media page being presented by a person in an official government role, or is it presented as their own personal page?"

In Washington, the State Archives website offers similar guidance to state and local government about the retention of posts on blogs, wikis and social networking sites such as Facebook and Twitter.

SAVE OR DELETE?

The proprietary nature of social media sites and the sheer volume of e-mail and text messaging may tend to discourage elected officials from saving messages that might otherwise be retained as part of the public record.

"The nature of e-mail works in some ways to make retention harder and in other ways to make it," says the University of North Carolina's Joyce.

"Retention is harder, on the one hand, because deleting is so easy and so tempting. It's easier, on the other hand, because long-term storage of data is technically quite possible."

Dalglish of the reporters group says the drive for open records has been underway for



Website Recommendations

1. Have the questions in the Frequently Asked Questions section listed at the top and linked to the answers.
 - There are dozens of questions, some of which are rather long, so the simple process of linking the questions to the answers will make the page more accessible, as most people will probably only read a few answers.

2. Update the court opinions section.
 - Additional cases should be added to the court opinions page, including Maine Superior Court cases such as the LocatePlus.com case. Also, a sentence summarizing the main point of each case would be helpful.

3. Include a page listing what bulk information requests have been made.
 - It might be beneficial to include a listing of companies or organizations that have made bulk information requests, or include information on any inquiries made about the state of the FOIA with the AG's office or the committee. This would keep the public informed about the developing status of public information, and what is made available commercially.

4. Provide more detailed information about the use of social security numbers.
 - The table provided on the website listing each agency's policy towards the use and release of social security numbers is not particularly informative. It frequently lists "unwritten policies," "generally speaking," and the agency "does not make a practice of" in relation to when agencies share release social security numbers. It also uses undefined acronyms such as "TIN" numbers.

5. Provide a statement of policy in regards to the use and release of social security numbers.
 - It may be helpful to develop a state default policy for the use of social security numbers, and provide it on the website. The FOAA only mentions social security numbers in the Fisheries and Wildlife section of the act.

6. Provide some more guidance as to which committees are not public.
 - Basically just mention that if a committee is exempted by law or executive order, that it doesn't have to be public, and give the four criteria the court established for determining if a mixed governmental/non-governmental committee should be public.

7. Clarify to whom FOA requests can be made.
 - The answers seem to indicate a couple of times that they can be made only to elected officials and not appointed officials, or employees.

8. Explain the process of applying to the courts if there might be a violation.
 - Just provide a simple explanation of the process involved in filing a claim at the Superior Courts, and perhaps link to a form from the courts.

9. Correct the mention of mailing fees.
 - An answer in the FAQ section states that the statute allows the agency to charge mailing fees, but the statute doesn't mention it.

10. Provide a sample form for FOA requests.
 - The answer explains what a request should look like, but linking to a form is easy, and might eliminate confusion if someone doesn't read that part of the FAQ's.

11. Get a more visible placement for the Maine Right to Know link on Maine.gov.

- Maine Right to Know is only mentioned in the FAQ section of the Maine.gov homepage, and it isn't linked from the answer. Maybe listing it under the "How Do I" section, or independently linking it on the side column, as most people won't know what they're looking for.

12. Add a link to the Public Meeting Calendar.

- The Public Meeting Calendar is elsewhere on the Maine.gov site, and includes a listing of public meetings that people checking out Maine Right to Know would probably be interested in.

13. Provide information about InforME.

- InforME isn't mention except in the links section of the RTK page, despite it being the primary source of electronic public access.

holding that “conjecture, without evidence of imminent harm, simply fails to meet the Board’s burden of showing that Exemption 4 applies.”

“The burden an agency has under the exemption to show clear and convincing proof of likelihood of harm is not easily met,” said Charles Glasser, Bloomberg’s attorney. “Judge Hellerstein just assumed the Fed’s burden.”

Mintz thought a better barometer to judge whether substantial harm would occur was the Fed’s voluntary May 7 release of bank stress tests under its Supervisory Capital Assessment Program. Though the disclosure revealed that 19 of the largest banks would have to raise \$100 billion to even be considered financially sound, there were no runs on those banks.

Resolving the split

Though Bloomberg won its suit, release of the records was stayed pending appeal. In September, Preska also granted a motion from the Clearing House Association — the nation’s oldest banking association that represents Bank of America, Citigroup, J.P. Morgan Chase and Wells Fargo, among others — to intervene on behalf of the board because it claimed members relied on the promise of confidentiality when participating in the emergency lending programs.

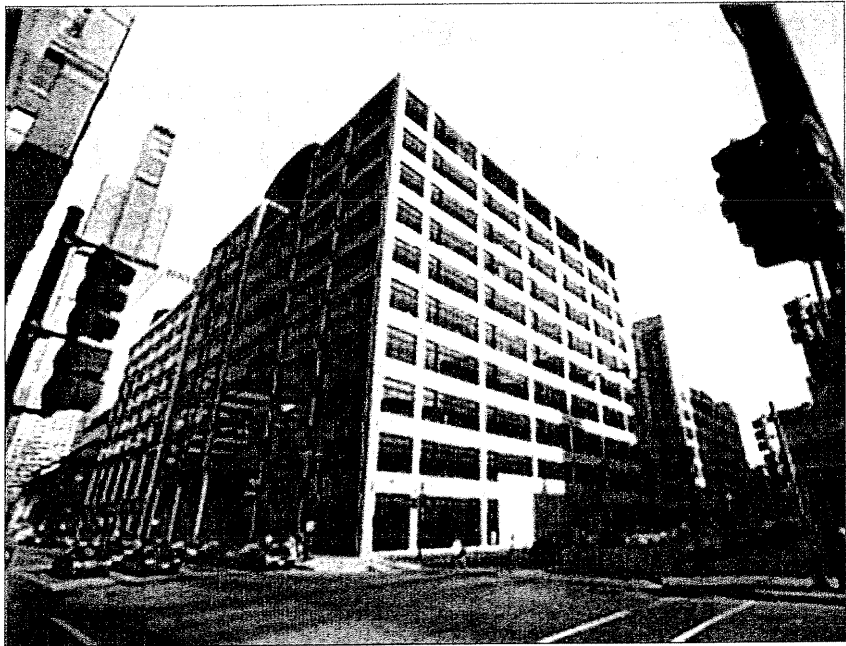
The fact that the Clearing House only intervened after the Fed lost is telling, some legal analysts say, given that the court will not consider new evidence now that the case has reached the appeals level. The Clearing House declined to comment on the matter.

Transparency advocates say the question of whether the board is exempt from disclosing lending records would be best answered by Congress.

“FOIA is created by Congress, which created 9 exemptions. If they want to create another one, they can,” Mintz said. “Congress also passed The Federal Reserve Act, and if you turn through all those boring pages, nothing creates secrecy.”

Critics say the push for secrecy from the Federal Reserve System contrasts sharply with President Obama’s campaign promises for increased government transparency.

“It’s disappointing . . . if the issue is transparency, then we have difficulty understanding what motivates anyone seeking transparency, advocating transparency, [into] descending secrecy and opacity,” said Bloomberg’s Editor-in-Chief Matthew Winkler during an interview. “Americans have the right to know how they became involuntary investors in this unprecedented bailout.” ♦



Chicago-Kent College of Law runs an open government clinic.

Law schools step in to help maintain sunshine

Clinics spring up to help those who want access to government records and meetings

By MIRANDA FLESCHERT

When the District of Columbia denied WTOF Radio reporter Mark Segreaves’ Freedom of Information Act request for mayoral expense and travel records in February, the investigative reporter would have welcomed some assistance in appealing the denial.

“Recently it has become apparent that there is a need to litigate FOIA more now than there was before, but there just isn’t the money to do that,” Segreaves said.

As circulations decrease and newsroom and radio station budgets dwindle, it’s become increasingly difficult for news organizations to pursue what can often be protracted and expensive disputes over refused public records requests. In response, a few law schools have stepped in to guide citizens and groups through the open records process.

“Other institutions have to pick up the slack and one of the alternatives is NGOs and law schools,” said Terrance A. Norton, the director of an open

government clinic at Chicago-Kent College of Law.

A full-blown clinic is already up and running at Chicago-Kent College of Law. The Center for Open Government — the brainchild of Clinton Krislov, an adjunct professor and plaintiffs’ class-action attorney — is a part of the school’s clinical education program that helps citizens gain access to local and state government records and proceedings.

Chicago-Kent law students, with the help of supervising professors, will represent records requesters free of charge. The center will primarily handle cases dealing with violations of the state’s open meetings and public records laws, which were revised earlier this year after a spate of recent state scandals that showed a lack of government transparency, according to the law school’s press release.

“If laws are there for our benefit, we should be able to get all information necessary to find out what appointed and elected officials are doing with our tax dollars,” Norton said.

Though the center just opened in September, students already have several cases

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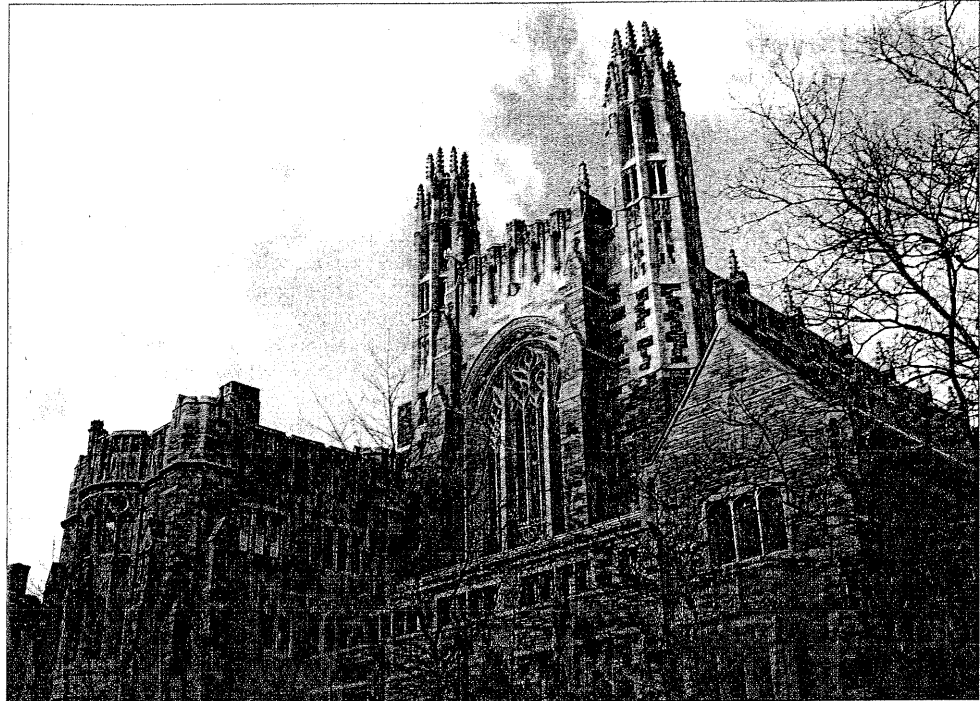
in the works. One woman from a local suburb sought help from the center after the village board of trustees, in a closed session, laid off 11 employees including her husband, a firefighter. The center will help her litigate what it argues is a violation of the state Open Meetings Act. Another client is a man seeking access to financial records from the Illinois High School Association to determine whether there are gender disparities in the funding of sports programs. IHSA, like the National Collegiate Athletic Association, has claimed it is not a public body and therefore not subject to open records laws.

Norton, a former Chicago-Kent professor who has handled open government cases for more than a decade, says that in addition to supplementing the open records lawsuits filed by media organizations, the clinic will close a gap in the nonprofit world. Eventually, it could expand to take on other issues, like whistleblower cases.

There are lawyers for minority groups, for those who are evicted from their homes, the developmentally disabled, victims of age discrimination, “but no lawyers to represent citizens who want to play a proper role in democracy, to move the levers of power,” Norton said. “I think there is a need for citizens to have representation in whatever context.”

The concept is promising, said David Tomlin, associate general counsel for the Associated Press. “Everyone is concerned now with pressure on budgets, and on personnel and staff time, that news organizations are going to do less litigating and less pursuing legal remedies in the area of First Amendment, open records and open meetings,” he said. “It is clear that creative solutions are called for and this could be one of them.”

Though Chicago-Kent’s legal clinic is currently the only of its kind, other schools are also preparing students to litigate public records cases. At Yale Law School, students in its practicum on media freedom, which is offered as an externship, are paired with practicing media lawyers and prepared to handle both state open government and FOIA cases at the federal level. “We are hoping it will be a really important institution for promoting media access to government information,” said Jack M. Balkin, Yale’s Knight Professor of Constitutional Law and the First Amendment and an



Yale Law School’s program pairs students with lawyers to handle open government cases.

adviser to the practicum.

Yale law student Nabiha Syed developed the idea for the practicum with a colleague after participating in a Yale clinic on balancing civil liberties and national security after 9/11. Balkin helped establish the program and connect students with media-law mentors.

“I care about the growing culture of secrecy in the law and this is what we need to go after. That was the push we needed to create the project,” Syed said.

David Schulz, of Levine, Sullivan Koch & Schulz LLP in New York, supervises Syed’s work and says that all types of journalists, from the solo blogger to the mainstream media, have shown an interest in working with the law students to resolve their disputes.

“The Yale program is very encouraging because there is a huge need for legal expertise as more and more journalists are working as independent bloggers or for online sites where they lack the resources of a larger organization,” Schulz said.

As with Chicago-Kent’s program, Yale’s externship practicum is new this school year. Yet Syed has already been involved in four cases, including a whistleblower’s appeal contesting a motion to seal exhibits in the case. She hopes other universities follow suit and get students involved in FOIA issues.

“There is a pressing need for law schools to take up this mantle,” Syed said.

William G. McLain, an associate pro-

fessor at the University of the District of Columbia’s law school, agreed that law students can play an important role in FOIA litigation.

McLain first introduced his students to public records issues during a class on disaster and the law that dealt with the aftermath of Hurricane Katrina, including examining the issues surrounding the drowning deaths of inmates at a prison in New Orleans.

McLain’s students filed a FOIA request with the District of Columbia’s corrections department to find out whether Washington was any better prepared if a similar disaster occurred. The request was denied, citing homeland security concerns, and the appeal is pending in the D.C. Superior Court.

“These agencies [in the district] know that they can just stiff requesters and they’ll just go away because they don’t know what else to do. There is a need for representation and someone needs to step in and fill it,” McLain said.

So McLain is preparing to meet the need and open a full-fledged public records clinic. Though the plan is still in its formation stage, he anticipates a strong interest from both colleagues and students — and estimates that given the district’s high rate of records denials, there could be more cases than the clinic can even handle.

“It’s really an idea that’s time has come and if it hasn’t come, it ought to immediately,” McLain said. ♦

Reinsch, Margaret

From: Jeff Austin [jaustin@memun.org]
Sent: Friday, October 15, 2010 1:48 PM
To: Reinsch, Margaret
Cc: HylanBarr, Marion; Richard Flewelling
Subject: RE: Right to Know Advisory Committee - upcoming meetings

Hi,

Our policy committee met on Wednesday and reviewed the revised "meeting minutes" bill. They (approximately 65 officials) had a good discussion and in very non-binding fashion, voted to support the revised draft -- if it were to be amended further.

The amendment they would like is for the minutes obligation to be imposed only on municipal boards and committees that actually have some authority or power. I don't know how to draft that. But, they felt that purely advisory committees which meet to discuss issues and make recommendations but don't possess any power or authority should be required to keep meeting minutes. The meetings of these groups are open to the public to attend. But, it's tough to get volunteers and the burden to make and keep minutes, even cursory ones, is outweighed by any public benefit from such cursory minutes. ✓

So, if the Right To Know Advisory Committee can craft some limiting language so that the obligation only applies to boards and committees with some authority, you are likely to get support from MMA's LPC. Since the bill is probably a mandate, albeit an inexpensive one, it will need a 2/3 vote. MMA support should help.

Obviously, MMA's policy committee may change its collective mind. But, it appears they can support an amended version of the draft.

Jeff

Proposals for a Maine School of Law Based Freedom of Access Project

Summary

This report outlines possible means of supporting greater public access to government, in accordance with the goals of Maine's Freedom of Access statutes. The joined goals of greater access and accountability would be furthered by increased knowledge and legal empowerment of the people of Maine. In these proposals, this would be accomplished by connecting people to the resources of the Maine School of Law. By providing law students with the necessary tools and supervision, Maine can develop a program similar to those being developed in other states.

Current Status of Freedom of Access Resources

The Maine Legislature, acting on the recommendations of the Maine Right to Know Advisory Committee, has made significant and sweeping improvements to the state's access laws. This process is on-going and includes: greater educational outreach to public officials, greater accessibility to agencies via online media, and the development of more uniform agency statutes.

These efforts are best complemented by increased public awareness of their rights under the state statutes, particularly as these laws are amended. Only through an aware public will accountability throughout all public administration be achieved. The Maine Right to Know website, and Sunshine Week have begun this process by providing answers as to what rights are delineated in the law, but they are less effective at the point

of assisting individuals, and many of these answers are still inaccessible to members of the public.

The exact definition of what "reasonable translation costs" are, the amount of time that is a "reasonable period of time" to acknowledge receipt of FOA requests, and the problems of technology use for meetings are among the issues that have yet to be fully developed by the courts through litigation. The specific situations that often form the basis of statutory interpretation are usually not easily navigated by a layman. Moreover, an average citizen might not press his or her statutory FOA rights because of a lack of confidence or familiarity with the legal system.

The need for answers has been shown by the number of letters from constituents around the state to the Attorney General's Office. While responses to these letters addressing the general state of the law can be helpful, they are limited by the inability to represent individual citizens.

What Other States are Doing

To address these issues, a few law schools in other states have stepped into the gap. For over a year, the Chicago Kent College of Law has operated the Center For Open Government. <http://www.kentlaw.edu/academics/clinic/cog.html> This center is tasked with responding to the calls and e-mails of citizens of Illinois. The inquiries are researched and responded to by the three law students in the program, with all responses reviewed by the program's director.

This program was started by the efforts of two civil rights attorneys, with the attorneys providing the money for the program's budget, and the school providing the overhead. These two attorneys have taken on 4-5 cases that came through the program in the year since the program started. The law students do not directly represent clients, although they are currently looking into that option. Currently, the law students do some of the research and help with the filing of the claim. The program's director, Terrance Norton, indicated that the steady number of inquiries, and applications for representation have been increasing, and he expects them to increase more as awareness of the project increases. Journalists have made a significant number of these requests.

In Illinois, there is also a Public Access Counselor, whose role is to write decisions on freedom of access issues, which are binding unless appealed to the court system. Mr. Norton credits some of the success to authorization under the law for the award of attorney's fees upon successful litigation of a freedom of access case. Similarly, Yale Law School has created an externship where students work with media attorneys to prepare state access cases or federal FOIA requests and appeals. Other schools such as Columbia University School of Law have hosted open government workshops in cooperation with federal and state committees working on increased access via technology.

Possible Roles for the Maine School of Law

Here are four potential options for programs, depending on the level of need present, and available funding.

Option 1: Freedom of Access Clinic

The law school could create a program similar to that of Chicago-Kent. This option would provide citizens with the possibility of representation through associated attorneys, as well as responses to their inquiries, researched by the law students, and reviewed by a supervisor. If money could be raised from members of the local bar, or from another source, then Chicago-Kent's format of having a full-time director and secretary for the clinic would be possible. Mr. Norton estimated the yearly budget to be around \$100,000.

If that level of funding were not available, then the clinic could be an expansion of an existing clinic. The supervision could be done by one of the attorneys, by a designated professor, or through the existing clinic. Students could be authorized as student-attorneys to represent some litigants in their appeals depending on the need.

Option 2: Freedom of Access Externship

In addition to the current externship with the Office of the Attorney General, an externship with a participating member of the local bar could be created to facilitate student representation of Freedom of Access requests. This option would not require additional funding, but would require a local attorney or attorneys to supervise the student-lawyer. This externship would be different than the current externship in that they would be capable of offering legal advice or assistance directly to the public.

Option 3: Freedom of Access Information Service

A member of the local bar or a professor could supervise a law student who would conduct research and respond to requests by members of the public over a designated e-mail account. The e-mail could be listed on the Maine Right to Know website, and made publicly available as a sort of help-line, with a law student drafting responses. This option would be inexpensive, and would provide people with some answer to their questions, but would not provide them with representation. This may be helpful for those who would have difficulty understanding their rights under the law. This position might also be restrictive in the ability of the student to offer legal advice due to potential liability.

Option 4: Freedom of Access Ombudsman

The law school could host a statutory Freedom of Access Ombudsman, with student support. This office is present in states such as Illinois and Indiana among others. The ombudsman, or public access counselor, would not provide legal representation, but could either write binding decisions, such as is the situation in Illinois, or could simply be an influential expert, whose opinions do not carry legal weight, but might help resolve freedom of access disputes.

RIGHT TO KNOW ADVISORY COMMITTEE

DRAFT AGENDA

November 18, 2010

1:00 p.m.

Room 437, State House, Augusta

Convene

1. Welcome and Introductions
Senator Barry Hobbins, Chair
2. Subcommittee Reports
 - A. Legislative Subcommittee, Judy Meyer
 - B. Bulk Records Subcommittee, Bob Devlin
 - C. Public Records Exceptions Subcommittee, Shenna Bellows
3. Report
4. Other old business
 - FOA services, based at the Law School?
5. New business
 - Requiring all State computer upgrades to ensure transparency

Adjourn

Right to Know Advisory Committee
Question identified by Bulk Records Subcommittee
11/17/10

The following are the questions for further examination that were developed by the Bulk Records Subcommittee of the Right to Know Advisory Committee. The work of the Subcommittee was initially directed by the charge to the Right to Know Advisory Committee included in Public Law 2009, Chapter 567, Section 11. The ongoing litigation involving Registries of Deeds of several counties, MacImage of Maine, LLC and John Simpson necessitated a tabling of much of the discussion of the Subcommittee. Instead, the Subcommittee attempted to identify specific questions that need to be resolved before the Subcommittee and the Advisory Committee as a whole can recommend changes in laws, policies and practices with regard to bulk public records. The questions are grouped as the topics are mentioned in Chapter 567, Section 11.

Public Law 2009, chapter 567

Sec. 11. Requests for bulk data. The Right To Know Advisory Committee shall review and make recommendations concerning the issues involved with requests for public records in bulk, including:

1. Public access to databases

- Does the public have the right access the database itself or just the data?
- What does “database” include?: software, proprietary information to make database function?
- Are there security issues related to accessing databases?

2. Protection of personal information that is not designated as confidential but is contained in databases that include public records

- Is this a problem? Is all information in the government’s hands necessary for the public to be able to access in order to know what government is doing and evaluate?
- How should personal/private information be identified? What level of protection, if any, should be provided?
- Does the custodian have the authority to redact?
- Is there a difference between information in a “database” vs. information in a physical collection of physical records

3. Reasonable costs for copies when public records are requested in bulk

- Should cost of creating and maintaining database be factored into cost of copies?
- How to factor in MacImage decisions?
- Can Registry of Deeds cost factors formula be applied to all agencies? Note that many data custodians do not have a fee-setting mechanism analogous to County Commissioners

4. Whether access or costs should be based on the intended or subsequent use of the information requested in bulk

- FOA laws have never drawn a distinction among different intended purposes; Exceptions:

Bulk Records I

Right to Know Advisory Committee
Question identified by Bulk Records Subcommittee
11/17/10

- ♦ Central Voter Registration System limits access to certain people for certain uses (tied to federal law)
- ♦ Federal Driver Privacy Protection Act limits what BMV can give out and to whom
- ♦ Access to otherwise confidential information is sometimes permitted for certain uses:

e.g., 22 MRSA §4008, confidential child protective records, optional disclosure:

F. Any person engaged in bona fide research, provided that no personally identifying information is made available, unless it is essential to the researcher and the commissioner or the commissioner's designee gives prior approval. If the researcher desires to contact a subject of a record, the subject's consent shall be obtained by the department prior to the contact;

- How determine “appropriate” use as basis for access or amount of fee?
- Other states base access and fees on:
 - nature of requestor
 - use/reason for request
 - limitation on subsequent use

5. The acceptable formats for responses to requests, including electronic and paper

- No requirement that create new document/record
- Requestor should receive in format requested if reasonable
- Translation from database to useable format - who bears cost?
- Require requestor to buy software from vendor to access data?
- Security of database?
- Does for-profit intent make a difference?

6. The appropriate role for InforME in responding to requests for public records in bulk

- InforME not involved in specific FOA requests
- Works with agencies to create service level agreements; negotiate fee with agency (InforME “self-funded”)
- Regular updates should go through InforME
- Require that when a state agency has a contract with InforME, the bulk record request must go through InforME (violation of contract if agency releases directly?)

(7. Any other issues the advisory committee considers appropriate.)

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Bulk Records

InforME Bulk Data Services Summary July 2010

IF&W – Bulk Special Request Data:

Data available to purchase includes moose permittee data, hunting and fishing license data, boat/ATV/snowmobile registration data, and guides/trappers licensee data. These requests tend to be one-time and specific requests from folks who wish to market their business to outdoorsmen (camp owners, guides, outfitters, etc.), as well as from political candidates during election years.

Fees: \$.03 - \$.05 per record

Fee set by: rulemaking

Annual requests: approx 25-30

Annual records sold: approx 27,000

BMV – Bulk & Special Request Data:

Data available to purchase includes vehicle title, registration, and driver license data. In order to obtain personal information in these records (name, address, date of birth, license number), the purchaser must be eligible under the Driver Privacy Protection Act and sign an affidavit regarding their eligibility. Customers for this data vary but it is mostly national data brokers who have standing orders for monthly updates. These records are typically re-sold by those companies to insurance companies for underwriting purposes. Other customers include credit agencies and large local employers.

Fees: Entire reg, title, or license database - \$.02 per record; sub-sets - \$.06 per record

Fee set by: rulemaking

Annual requests: approx 300

Annual records sold: approx 7,175,000

The BMV bulk data service was part of the initial InforME SLA negotiated with the Secretary of State in 1999. SOS was unable to provide a sufficient per-record portal fee on online driver records to support the desired level of baseline portal staff, so SOS offered the bulk data service as supplementary baseline revenue to make up the difference. BMV had previously sold the bulk data themselves, at a financial loss due to staff time. When the service was moved to the portal, BMV increased the per-record fees and negotiated a flat monthly payment from InforME. This provided BMV more revenue and eliminated their staff impact. This service remains a core portion of the portal's funding.

CEC – Bulk & Special Request Corporations and UCC Data:

Data available to purchase includes corporate records, active/inactive corporations records, trademark records, trademark images, corporate/UCC images, UCC records. Standard record updates are available weekly or monthly. There are a handful of customers, primarily large national data brokers who have standing orders for updates.

Bulk Records 2

Fees:

Bulk UCC and Corporate Data Full Data Monthly Data-sets	
Batch Corporate & UCC Records	\$600.00
Batch Active/Inactive Corporate & UCC Records	\$1200.00
Batch Corporate & UCC Images	\$1500.00
Batch Service/Trade Mark Records	\$300.00
Batch Service/Trade Mark Images	\$300.00

Bulk UCC and Corporate Data Weekly Updates Data-sets	
Corporate Data	\$300.00
Corporate Images	\$500.00
Service/Trade Mark Data	\$150.00
Service/Trade Mark Images	\$150.00
UCC Data	\$300.00
UCC Images	\$500.00

Special Request Corporate & UCC Records \$0.10 per record

Fee set by: rulemaking
Annual Requests: approx 100
Annual Records sold: n/a

State Police - Crash Reports:

Data available to purchase consists of state crash reports, including crash date, location, names, injury information, vehicle information, license status. There are just a few customers for this data, primarily large national entities that use this information for consumer protection and data broker services.

Fees: \$0.50 per record

Fee set by: statute specifies that agency may set fees for crash records; fees set in rulemaking

Annual Requests: approx 25

Annual Records sold: approx 70,000

Board of Medicine - Bulk Physician Licensee Data:

Online service allows users to specific data parameters to create a downloadable file. These are typically one-time and specific requests.

Fees: \$50 flat fee plus \$.05 per record

Fee set by: rulemaking

Annual requests: approx 50

Annual records sold: approx 150,000

Confidential

Public Records Exceptions Subcommittee
Proposed language changes

Chart #11

substantive

Sec. 1. 22 MRSA §1065 is repealed.

Chart #65

Sec. 2. 24 MRSA §2329, sub-§8 is amended to read:

§2329. Equitable health care for alcoholism and drug dependency treatment

8. Confidentiality. ~~The confidentiality of all alcoholism~~ Alcoholism and drug treatment patient records shall be ~~protected~~ are confidential.

Chart #75

Sec. 3. 24-A MRSA §225, sub-§3 is amended to read:

§225. Examination report; contents; prima facie evidence in certain proceedings

3. All working papers, recorded information, documents and copies of any of these media produced by, obtained by or disclosed to the superintendent or any other person in the course of an examination made under this chapter ~~must be given~~ are confidential ~~treatment~~, are not subject to subpoena and may not be made public by the superintendent or any other person, except to the extent provided in sections 226 and 227. Access may be granted to the National Association of Insurance Commissioners. Any parties granted access must agree in writing prior to receiving the information to provide the information with the same confidential treatment as required by this section unless prior written consent of the insurer to which the information pertains has been obtained.

Chart #76

Sec. 4. 24-A MRSA §226, sub-§2 is amended to read:

§226. Examination reports; distribution, hearing; as evidence

APPENDIX C

Public Records Exceptions Subcommittee
Proposed language changes

2. If requested by the person examined, within the period allowed under subsection 1, or if determined advisable by the superintendent without such request, the superintendent shall hold a hearing relative to the report and may not file the report in the bureau until after the hearing and the superintendent's order on the report; except that the superintendent may furnish a copy of the report to the Governor, Attorney General or Treasurer of State pending final decision and, if the copies are so furnished, they are ~~deemed confidential information~~ until the other requirements of this section with regard to examination reports have been satisfied. In lieu of convening a hearing, the superintendent may reopen the examination or, if supported by the information obtained, may adopt some or all of the modifications proposed by the person examined.

Chart #77

Sec. 5. 24-A MRSA §227 is amended to read:

§227. Examination report

The report of examination of those persons, partnerships, corporations or other business associations that are subject to examination by the superintendent as provided for in sections 221 and 222 shall, upon satisfaction of the requirements of section 226 and so long as no court of competent jurisdiction has stayed its publication, be filed in the bureau as a public record, except for that any information relating to an individual insured or individual applicant for insurance, ~~which is deemed confidential.~~

Chart #81

Sec. 6. 24-A MRSA §952-A, sub-§4, ¶H is amended to read:

§952-A. Actuarial opinion of reserves

H. Except as provided in paragraphs K, L and M, any memorandum in support of the opinion and any other documents, materials or other information provided by the insurer to the superintendent in connection with the memorandum are confidential, must be kept confidential by the superintendent ~~and are not public records within the meaning of the freedom of access laws~~ and are not subject to subpoena or discovery, nor admissible in evidence in any private civil action. The superintendent is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the superintendent's official duties.

APPENDIX C
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Public Records Exceptions Subcommittee
Proposed language changes

Chart #90

substantive

Sec. 7. 24-A MRSA §2315 is repealed.

Chart #91

Sec. 8. 24-A MRSA §2323, sub-§4 is amended to read:

§2323. Recording and reporting of loss and expense experience

4. Each insurer shall report its loss or expense experience to the lawful rating organization, advisory organization or agency of which it is a member or subscriber, but shall not be required to report its loss or expense experience to any rating organization, advisory organization or agency of which it is not a member or subscriber. Any insurer not reporting such experience to a rating organization, advisory organization or other agency may be required to report such experience to the superintendent. Any report of such experience of any insurer filed with the superintendent ~~shall be deemed~~ is confidential and ~~shall~~ may not be revealed by the superintendent to any other insurer or other person, but the superintendent may make compilations including such experience.

Chart #91.5

substantive

Sec. 9. 24-A MRSA §2325-B, sub-§9 is amended to read:

§2325-B. Mandatory property and casualty insurance market assistance program

9. Modified policy form and rate filings. A modified policy form and modified rate developed by a member insurer must be filed with the superintendent. A modified rate to be used in connection with an existing policy form that consists solely of a permissible surcharge not in excess of the maximum allowable cap contained in rules adopted under subsection 8 may be used by a member insurer immediately upon filing that modified rate with the superintendent. For any other modified filings, a modified policy form and modified rate must be filed with the superintendent not less than 30 days in advance of the stated effective date. A modified rate filing subject to the 30-day advance filing requirement must include any supplementary rating information to be used in conjunction with a rate and, to the extent available, sufficient supporting information to support a rate. A modified rate may not be excessive, inadequate or unfairly

Public Records Exceptions Subcommittee
Proposed language changes

discriminatory with respect to risks written through the program. A modified policy form may only be disapproved for the grounds specified in section 2413. All modified policy form and rate filings are confidential until ~~effective or~~ approved in accordance with applicable law.

Chart #100

Sec. 10. 24-A MRSA §2842, sub-§8 is amended to read:

§2842. Equitable health care for alcoholism and drug dependency treatment

8. Confidentiality. ~~The confidentiality of all alcoholism~~ Alcoholism and drug treatment patient records ~~shall be protected~~ are confidential.

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Right to Know Advisory Committee
Legislative Subcommittee
DRAFT: Meetings in public: 4 options

Sec. 1. 1 MRSA §401 is amended to read:

§401. Declaration of public policy; rules of construction

The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly. It is further the intent of the Legislature that clandestine meetings, conferences or meetings held on private property without proper notice and ample opportunity for attendance by the public not be used to defeat the purposes of this subchapter.

This subchapter does not prohibit communications outside of public proceedings between members of a public body unless those communications are used to defeat the purposes of this subchapter.

This subchapter shall be liberally construed and applied to promote its underlying purposes and policies as contained in the declaration of legislative intent.

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APPENDIX D1

APPENDIX D I

Right to Know Advisory Committee
Legislative Subcommittee
DRAFT: Confidential communications

Sec. 1. 1 MRSA §402, sub-§5 is enacted to read:

5. Public officials' communications. A record involving communications between a person and a public official is a public record except for information contained in the record that:

- A. Is excepted from the definition of public record in subsection 3;
- B. Is designated as confidential by statute; or
- C. Would be confidential if it were in the possession of another public agency or official.

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APPENDIX DZ

APPENDIX D5

Right to Know Advisory Committee
REVISED PROPOSED DRAFT
Record/Minutes of Public Proceedings

(Initial changes from LD 1791 indicated in *italics*; MMA changes double underscored)

Sec. 1. 1 MRSA §403, as amended by PL 2009, c. 240, §1, is repealed and the following enacted in its place:

§403. Meetings to be open to public; record of meetings

1. Proceedings open to public. Except as otherwise provided by statute or by section 405, all public proceedings must be open to the public; *and any person must be permitted to attend a public proceeding and any public record or minutes of such proceedings that are required by law must be made within a reasonable period of time after the proceeding and must be open to public inspection.*

2. Record of public proceedings. Unless otherwise provided by law, *records of all public proceedings a record of each public proceeding for which notice is required under section 406 must be made within a reasonable period of time after the proceedings proceeding and must be open to public inspection. At a minimum, a the record must include:*

- A. The date, time and place of the public proceeding;
- B. The members of the body holding the public proceeding recorded as either present or absent; *and*
- C. The general substance of all matters *proposed, discussed or* decided; *and*
- Ð C. All motions and votes taken, by individual member, if there is a roll call.

3. Audio or video recording. An audio, video or other electronic recording of a public proceeding satisfies the requirements of subsection 2.

4. Maintenance of record. *Record management requirements and retention schedules adopted under Title 5, chapter 6 apply to records required under this section.*

5. Validity of action. *The validity of any action taken in a public proceeding is not affected by the failure to make or maintain a record as required by this section.*

6. Advisory bodies exempt from record requirements. *Subsection 2 does not apply to advisory bodies that make recommendations but have no decision-making authority.*

APPENDIX D3

ES X DIBETA

Right to Know Advisory Committee
Legislative Subcommittee
DRAFT: Review Criteria

**CHAPTER 13
PUBLIC RECORDS AND PROCEEDINGS**

**SUBCHAPTER 1-A
~~EXCEPTIONS TO PUBLIC RECORDS~~ EXCEPTIONS AND ACCESSIBILITY**

§431. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Public records exception. "Public records exception" or "exception" means a provision in a statute or a proposed statute that declares a record or a category of records to be confidential or otherwise not a public record for purposes of subchapter 1.

2. Review committee. "Review committee" means the joint standing committee of the Legislature having jurisdiction over judiciary matters.

3. Advisory committee. "Advisory committee" means the Right To Know Advisory Committee established in Title 5, section 12004-J, subsection 14 and described in section 411.

§432. Exceptions to public records; accessibility; review

1. Recommendations. During the second regular session of each Legislature, the review committee may report out legislation containing its recommendations concerning the repeal, modification and continuation of public records exceptions and any recommendations concerning the exception review process and the accessibility of public records. Before reporting out legislation, the review committee shall notify the appropriate committees of jurisdiction concerning public hearings and work sessions and shall allow members of the appropriate committees of jurisdiction to participate in work sessions.

2. Process of evaluation. According to the schedule in section 433, the advisory committee shall evaluate each public records exception that is scheduled for review that biennium. This section does not prohibit the evaluation of a public record exception by either the advisory committee or the review committee at a time other than that listed in

**D4
APPENDIX**

section 433. The following criteria apply in determining whether each exception scheduled for review should be repealed, modified or remain unchanged:

- A. Whether a record protected by the exception still needs to be collected and maintained;
- B. The value to the agency or official or to the public in maintaining a record protected by the exception;
- C. Whether federal law requires a record to be confidential;
- D. Whether the exception protects an individual's privacy interest and, if so, whether that interest substantially outweighs the public interest in the disclosure of records;
- E. Whether public disclosure puts a business at a competitive disadvantage and, if so, whether that business's interest substantially outweighs the public interest in the disclosure of records;
- F. Whether public disclosure compromises the position of a public body in negotiations and, if so, whether that public body's interest substantially outweighs the public interest in the disclosure of records;
- G. Whether public disclosure jeopardizes the safety of a member of the public or the public in general and, if so, whether that safety interest substantially outweighs the public interest in the disclosure of records;
- H. Whether the exception is as narrowly tailored as possible; and
- I. Any other criteria that assist the review committee in determining the value of the exception as compared to the public's interest in the record protected by the exception.

2-A. Accountability review of agency or official. In evaluating each public records exception, the advisory committee shall, in addition to applying the criteria of subsection 2, determine whether there is a publicly accountable entity that has authority to review the agency or official that collects, maintains or uses the record subject to the exception in order to ensure that information collection, maintenance and use are consistent with the purpose of the exception and that public access to public records is not hindered.

2-B. Recommendations to review committee. The advisory committee shall report its recommendations under this section to the review committee no later than the convening of the second regular session of each Legislature.

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2-C. Accessibility of public records. The advisory committee may include in its evaluation of public records statutes the consideration of any factors that affect the accessibility of public records, including but not limited to fees, request procedures and timeliness of responses.

3. Assistance from committees of jurisdiction. The advisory committee may seek assistance in evaluating public records exceptions from the joint standing committees of the Legislature having jurisdiction over the subject matter related to the exceptions being reviewed. The advisory committee may hold public hearings after notice to the appropriate committees of jurisdiction.

§433. Schedule for review of exceptions to public records

1. Scheduling guidelines.

2. Scheduling guidelines. The advisory committee shall use the following list as a guideline for scheduling reviews of public records exceptions.

A. Exceptions codified in the following Titles are scheduled for review in 2008:

- (1) Title 1;
- (2) Title 2;
- (3) Title 3;
- (4) Title 4;
- (5) Title 5;
- (6) Title 6;
- (7) Title 7;
- (8) Title 8;
- (9) Title 9-A; and
- (10) Title 9-B.

B. Exceptions codified in the following Titles are scheduled for review in 2010:

- (1) Title 10;
- (2) Title 11;
- (3) Title 12;
- (4) Title 13;
- (5) Title 13-B;
- (6) Title 13-C;
- (7) Title 14;
- (8) Title 15;
- (9) Title 16;
- (10) Title 17;
- (11) Title 17-A;
- (12) Title 18-A;
- (13) Title 18-B;

- (14) Title 19-A;
- (15) Title 20-A; and
- (16) Title 21-A.

C. Exceptions codified in the following Titles are scheduled for review in 2012:

- (1) Title 22;
- (2) Title 23;
- (3) Title 24;
- (4) Title 24-A; and
- (5) Title 25.

D. Exceptions codified in the following Titles are scheduled for review in 2014:

- (1) Title 26;
- (2) Title 27;
- (3) Title 28-A;
- (4) Title 29-A;
- (5) Title 30;
- (6) Title 30-A;
- (7) Title 31;
- (8) Title 32;
- (9) Title 33;
- (10) Title 34-A;
- (11) Title 34-B;
- (12) Title 35-A;
- (13) Title 36;
- (14) Title 37-B;
- (15) Title 38; and
- (16) Title 39-A.

3. Scheduling changes. The advisory committee may make adjustments to the scheduling guidelines provided in subsection 2 as it determines appropriate and shall notify the review committee of such adjustments.

§434. Review of proposed exceptions to public records; accessibility of public records

1. Procedures before legislative committees. Whenever a legislative measure containing a new public records exception is proposed, or a change that affects the accessibility of a public record is proposed, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among the members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the review committee to review and evaluate the proposal pursuant to subsection 2 and to report back to the committee of jurisdiction. A proposed

exception or proposed change that affects accessibility of a public record may not be enacted into law unless review and evaluation pursuant to ~~subsection~~ subsections 2 and 2-C have been completed.

2. Review and evaluation. Upon referral of a proposed public records exception from the joint standing committee of the Legislature having jurisdiction over the proposal, the review committee shall conduct a review and evaluation of the proposal and shall report in a timely manner to the committee to which the proposal was referred. The review committee shall use the following criteria to determine whether the proposed exception should be enacted:

- A. Whether a record protected by the proposed exception needs to be collected and maintained;
- B. The value to the agency or official or to the public in maintaining a record protected by the proposed exception;
- C. Whether federal law requires a record covered by the proposed exception to be confidential;
- D. Whether the proposed exception protects an individual's privacy interest and, if so, whether that interest substantially outweighs the public interest in the disclosure of records;
- E. Whether public disclosure puts a business at a competitive disadvantage and, if so, whether that business's interest substantially outweighs the public interest in the disclosure of records;
- F. Whether public disclosure compromises the position of a public body in negotiations and, if so, whether that public body's interest substantially outweighs the public interest in the disclosure of records;
- G. Whether public disclosure jeopardizes the safety of a member of the public or the public in general and, if so, whether that safety interest substantially outweighs the public interest in the disclosure of records;
- H. Whether the proposed exception is as narrowly tailored as possible; and
- I. Any other criteria that assist the review committee in determining the value of the proposed exception as compared to the public's interest in the record protected by the proposed exception.

2-A. Accountability review of agency or official. In evaluating each proposed public records exception, the review committee shall, in addition to applying the criteria of subsection 2, determine whether there is a publicly accountable entity that has

authority to review the agency or official that collects, maintains or uses the record subject to the exception in order to ensure that information collection, maintenance and use are consistent with the purpose of the exception and that public access to public records is not hindered.

2-C. Accessibility of public records. In reviewing and evaluating whether a proposal may affect the accessibility of a public record, the review committee may consider any factors that affect the accessibility of public records, including but not limited to fees, request procedures and timeliness of responses.

3. Report. The review committee shall report its findings and recommendations on whether the proposed exception or proposed limitation on accessibility should be enacted to the joint standing committee of the Legislature having jurisdiction over the proposal.

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Right to Know Advisory Committee
Legislative Subcommittee
DRAFT: Social Security Numbers

Sec. 1. 1 MRSA §402, sub-§3, ¶N is amended to read:

N. Social security numbers in the possession of the Department of Inland Fisheries and Wildlife; and

(Note that Registries of Deeds are not permitted to redact unless specifically requested by person whose personal information is included in documents filed there.)

G:\Studies - 2010\Right to Know Advisory Committee\Legislation drafts\SSN draft for 9-23-10.doc (9/22/2010 10:17:00 AM)

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Right to Know Advisory Committee
Legislative Subcommittee
DRAFT: Using technology to conduct public proceedings

PART A

Sec. A-1. 1 MRSA § 403-A is enacted to read:

§403-A. Public proceedings through other means of communication

This section governs public proceedings, including executive sessions, during which public or governmental business is discussed or transacted through telephonic, video, electronic or other means of communication.

1. Requirements. A body subject to this subchapter may conduct a public proceeding during which a member of the body participates in the discussion or transaction of public or governmental business through telephonic, video, electronic or other means of communication only if the following requirements are met.

A. The body has adopted a policy that authorizes a member of the body who is not physically present to participate in a public proceeding through telephonic, video, electronic or other means of communication in accordance with this section.

B. Notice of the public proceeding has been given in accordance with section 406.

C. A quorum of the body is assembled physically at the location identified in the notice required by section 406.

D. The physical attendance by each member who is participating from another location is not reasonably practical. The reason that each member's physical attendance is not reasonably practical must be stated in the record of the public proceeding.

E. Each member of the body participating in the public proceeding is able to simultaneously hear each other and speak to each other during the public proceeding. Members of the public attending the public proceeding in the location identified in the notice required by section 406 are able to hear all members participating from other locations.

F. Each member who is not physically present and who is participating through telephonic, video, electronic or other means of communication identifies the persons present in the location from which the member is participating.

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G. All votes taken during the public proceeding are taken by roll call vote.

H. Each member who is not physically present and who is participating through telephonic, video, electronic or other means of communication has received prior to the public proceeding any documents or other materials that will be discussed at the public proceeding, with substantially the same content as those documents actually presented. Documents or other materials made available at the public proceeding may be transmitted to the member not physically present during the public proceeding if the transmission technology is available.

I. The public proceeding is not a public hearing.

2. Voting. A member of a body who is not physically present and who is participating in the public proceeding through telephonic, video, electronic or other means of communication may not vote:

A. On any issue for which materials providing additional information that may influence the member's decision are presented at the public proceeding but have not been provided to the member by the time of the vote; or

B. On any issue concerning testimony or other evidence provided during the public proceeding if it is a judicial or quasi-judicial proceeding.

3. Exception to quorum requirement. A body may convene a public proceeding by telephonic, video, electronic or other means of communication without a quorum assembled physically at one location if:

A. An emergency has been declared in accordance with Title 22, section 802, subsection 2-A or Title 37-B, section 742;

B. The public proceeding is necessary to take action to address the emergency; and

C. The body otherwise complies with the provisions of this section to the extent practicable based on the circumstances of the emergency.

4. Annual meeting. If a body conducts one or more public proceedings pursuant to this section, it shall also hold at least one public proceeding annually during which members of the body in attendance are physically assembled at one location and where no members of the body participate by telephonic, video, electronic or other means of communication from a different location.

Seek input of agencies before making legislative changes to statutory procedures below.

PART B

Finance Authority of Maine

Sec. B-1. 10 MRSA §971 is amended to read:

§971. Actions of the members

Seven members of the authority constitute a quorum of the members. The affirmative vote of the greater of 5 members, present and voting, or a majority of those members present and voting is necessary for any action taken by the members. No vacancy in the membership of the authority may impair the right of the quorum to exercise all powers and perform all duties of the members.

Notwithstanding any other provision of law, in a situation determined by the chief executive officer to be an emergency requiring action of the members on not more than 3 days' oral notice, an emergency meeting of the members may be conducted by telephone in accordance with Title 1, section 403-A and the following.

1. Placement of call. A conference call to the members must be placed by ordinary commercial means at an appointed time.

2. Record of call. The authority shall arrange for recordation of the conference call when appropriate and prepare minutes of the emergency meeting.

3. Notice of emergency meeting. Public notice of the emergency meeting must be given in accordance with Title 1, section 406 and that public notice must include the time of the meeting and the location of a telephone with a speakerphone attachment that enables all persons participating in the telephone meeting to be heard and understood and that is available for members of the public to hear the business conducted at the telephone meeting.

Ethics Commission *(any changes?)*

Sec. B-2. 21-A MRSA §1002 is amended to read:

§1002. Meetings of commission

1. Meeting schedule. The commission shall meet in Augusta for the purposes of this chapter at least once per month in any year in which primary and general elections are held and every 2 weeks in the 60 days preceding an election. In the 28 days preceding an

election, the commission shall meet in Augusta within one calendar day of the filing of any complaint or question with the commission. Agenda items in the 28 days preceding an election must be decided within 24 hours of the filing unless all parties involved agree otherwise.

2. Telephone meetings. The commission may hold meetings over the telephone if necessary, as long as the commission provides notice to all affected parties in accordance with the rules of the commission and the commission's office remains open for attendance by complainants, witnesses, the press and other members of the public. Notwithstanding Title 1, chapter 13, telephone meetings of the commission are permitted:

A. During the 28 days prior to an election when the commission is required to meet within 24 hours of the filing of any complaint or question with the commission; or

B. To address procedural or logistical issues before a monthly meeting, such as the scheduling of meetings, deadlines for parties' submission of written materials, setting of meeting agenda, requests to postpone or reschedule agenda items, issuing subpoenas for documents or witnesses and recusal of commission members.

3. Other meetings. The commission shall meet at other times on the call of the Secretary of State, the President of the Senate, the Speaker of the House or the chair or a majority of the members of the commission, as long as all members are notified of the time, place and purpose of the meeting at least 24 hours in advance.

4. Office hours before election. The commission office must be open with adequate staff resources available to respond to inquiries and receive complaints from 8 a.m. until at least 5:30 p.m. on the Saturday, Sunday and Monday immediately preceding an election and from 8 a.m. until at least 8 p.m. on election day.

Emergency Medical Services Board

Sec. B-3. 32 MRSA §88, sub-§1, ¶D is amended to read:

§88. Emergency Medical Services' Board

The Emergency Medical Services' Board, as established by Title 5, section 12004-A, subsection 15, is responsible for the emergency medical services program.

1. Composition; rules; meetings. The board's composition, conduct and compensation are as follows.

A. The board has one member representing each region and 11 persons in addition. Of the additional persons, one is an emergency physician, one a representative of emergency medical dispatch providers, 2 representatives of the public, one a representative of for-profit ambulance services, one an emergency professional nurse, one a representative of nontransporting emergency medical services, one a representative of hospitals, one a representative of a statewide association of fire chiefs, one a municipal emergency medical services provider and one a representative of not-for-profit ambulance services. The members that represent for-profit ambulance services, nontransporting emergency medical services and not-for-profit ambulance services must be licensed emergency medical services persons. One of the nonpublic members must be a volunteer emergency medical services provider. Appointments are for 3-year terms. Members are appointed by the Governor. The state medical director is an ex officio nonvoting member of the board.

B. The board shall elect its own chair to serve for a 2-year term. The board may adopt internal rules that may include, but are not limited to, termination of board membership as a consequence of irregular attendance. If a board member does not serve a full term of appointment, the Governor shall appoint a successor to fill the vacancy for the remainder of the term. Any board member may be removed by the Governor for cause. The board may have a common seal. The board may establish subcommittees as it determines appropriate.

C. The board shall meet at least quarterly, and at the call of its chair or at the request of 7 members. When the board meets, members are entitled to compensation according to the provisions of Title 5, chapter 379.

D. A majority of the members appointed and currently serving constitutes a quorum for all purposes and no decision of the board may be made without a quorum present. A majority vote of those present and voting is required for board action, except that for purposes of either granting a waiver of any of its rules or deciding to pursue the suspension or revocation of a license, the board may take action only if the proposed waiver, suspension or revocation receives a favorable vote from at least 2/3 of the members present and voting and from no less than a majority of the appointed and currently serving members. The board may use video conferencing and other technologies in compliance with Title 1, chapter 13, subchapter 1, to conduct its business ~~but is not exempt from Title 1, chapter 13, subchapter 1.~~ Members of the board, its subcommittees or its staff may participate in a meeting of the board, subcommittees or staff via video conferencing, conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this subsection constitutes presence in person at such meeting.

Workers' Compensation Board

Sec. B-4. 39-A MRSA §151, sub-§5 is amended to read:

5. Voting requirements; meetings. The board may take action only by majority vote of its membership. The board may hold sessions at its central office or at any other place within the State and shall establish procedures through which members who are not physically present may participate by telephone or other remote-access technology in compliance with Title 1, chapter 13, subchapter 1. Regular meetings may be called by the executive director or by any 4 members of the board, and all members must be given at least 7 days' notice of the time, place and agenda of the meeting. A quorum of the board is 4 members, but a smaller number may adjourn until a quorum is present. Emergency meetings may be called by the executive director when it is necessary to take action before a regular meeting can be scheduled. The executive director shall make all reasonable efforts to notify all members as promptly as possible of the time and place of any emergency meeting and the specific purpose or purposes for which the meeting is called. For an emergency meeting, the 4 members constituting a quorum must include at least one board member representing management and at least one board member representing labor.

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Right to Know Advisory Committee
Legislative Subcommittee
DRAFT: Public records and proceedings training

Sec. #. 1 MRS §412 is amended to read:

§412. Public records and proceedings training for certain elected officials

1. Training required. ~~Beginning July 1, 2008, an~~ An elected official subject to this section shall complete a course of training on the requirements of this chapter relating to public records and proceedings. The official shall complete the training not later than the 120th day after the date the elected official takes the oath of office to assume the person's duties as an elected official. ~~For elected officials subject to this section serving in office on July 1, 2008, the training required by this section must be completed by November 1, 2008.~~

1-A. Training for certain appointed officials. Beginning July 1, 2011, an appointed county clerk or municipal clerk shall complete a course of training on the requirements of this chapter relating to public records and proceedings. The appointed clerk shall complete the training not later than the 120th day after the date the appointed clerk takes the oath of office to assume the person's duties. For appointed clerks subject to this section serving in office on July 1, 2011, the training required by this section must be completed by November 1, 2011.

2. Training course; minimum requirements. The training course under ~~subsection~~ subsections 1 and 1-A must be designed to be completed by an official in less than 2 hours. At a minimum, the training must include instruction in:

- A. The general legal requirements of this chapter regarding public records and public proceedings;
- B. Procedures and requirements regarding complying with a request for a public record under this chapter; and
- C. Penalties and other consequences for failure to comply with this chapter.

An elected official or appointed clerk meets the training requirements of this section by conducting a thorough review of all the information made available by the State on a publicly accessible website pursuant to section 411, subsection 6, paragraph C regarding specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. To meet the requirements of this subsection, any other training course must include all of this information and may include additional information.

3. Certification of completion. Upon completion of the training course required under subsection 1, the elected official or appointed clerk shall make a written or an electronic record attesting to the fact that the training has been completed. The record must identify the training

APPENDIX D

completed and the date of completion. The elected official or appointed clerk shall keep the record or file it with the public entity to which the official was elected.

4. Application. This section applies to the following ~~elected~~ officials:

- A. The Governor;
- B. The Attorney General, Secretary of State, Treasurer of State and State Auditor;
- C. Members of the Legislature elected after November 1, 2008;
- D.
- E. The following county government officials who are elected: Commissioners, commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate and budget committee members of county governments;
 - E-1. Appointed county clerks;
- F. The following municipal government officials who are elected: Municipal municipal officers, clerks, treasurers, assessors and budget committee members of municipal governments;
 - F-1. Appointed municipal clerks;
- G. Elected Officials officials of school units and school boards; and
- H. Elected Officials officials of a regional or other political subdivision who, as part of the duties of their offices, exercise executive or legislative powers. For the purposes of this paragraph, "regional or other political subdivision" means an administrative entity or instrumentality created pursuant to Title 30-A, chapter 115 or 119 or a quasi-municipal corporation or special purpose district, including, but not limited to, a water district, sanitary district, hospital district, school district of any type, an airport authority established pursuant to Title 6, chapter 10, transit district as defined in Title 30-A, section 3501, subsection 1 or regional transportation corporation as defined in Title 30-A, section 3501, subsection 2.

Other issues previously discussed:

- Require training for legislators every year (or session?), even those trained in prior sessions
- Require training for all appointed officials who perform the same tasks as elected officials who are required to complete training
- Require training for all supervisors who oversee the work of officials who are required to have training
- Initial training enough or repeated training at some interval?

APPENDIX D

Reinsch, Margaret

From: Dwight Hines [dwright.hines@gmail.com]
Sent: Monday, November 08, 2010 9:29 AM
To: Reinsch, Margaret; Dwight Hines
Subject: Re: Questions on creating an Administrative Rule or Amendment to Maine FOAA to require all computer upgrades, etc., to assure transparency -- inexpensive, rapid access and electronic copies of electronic files

Dwight E. Hines, Ph.D.
 IndyMedia
 715 Green Woods Road
 Peru, Maine 04290

NEW BUSINESS

November 8, 2010

Dear Ms. Reinsch:

Thank you for your prompt reply.

Would it be possible to have my questions on the agenda at the next advisory board meeting? I think it's important that we move as quickly as possible on the questions because: 1) Systems are being ungraded, or leased, or purchased as time goes on and without the requirements that the the improvements include increased speed of response to public records requests, with decreased costs, transparency is being completely negated; 2) Maine is going to remain in last place on the Forbes rankings, as well as other rankings, until a number of issues are resolved, with transparency being just one of several core issues, like integrity, that must be improved, and so on.

In fact, until these fundamental human rights issues on cost and speed of access to information are resolved, a moratorium on hardware, software, and personnel upgrades, along with purchases, leases, and salary increases should be considered for immediate implementation. After all, the FOAA is over 50 years old so it's time to make it functional with non-exempt electronic records.

The nice thing about these questions is that they are easily quantified by departments and agencies. What is cost of information now in electronic form? How long does it take to respond to a request? Then look at before and after rule or law changes to measure performance of workingness of new rules or laws.

The costs of implementing compliance with FOAA will depend on the quality of the personnel involved - - some database managers will be able to achieve compliance by a simple memo, others will display severe sturm und drang and take months, if not more years to achieve compliance.

Dwight Hines

On Mon, Nov 8, 2010 at 7:50 AM, Reinsch, Margaret <Margaret.Reinsch@legislature.maine.gov> wrote:

Dr. Hines -

Thank you for your comments about the State's need to address public information in databases, including the ability to quickly provide information when requested.

11/17/2010

The Right to Know Advisory Committee has just begun examining bulk data issues, but has not looked at it from the perspective you describe. We appreciate your comments and will share them with the Right to Know Advisory Committee.

I will add you to our interested parties e-mail distribution list so you are kept up-to-date with the Advisory Committee's activities. I believe you may have already discovered the website, but just in case:
<http://www.maine.gov/legis/opla/righttoknow.htm>

Thank you for your interest and for you comments.

Peggy

Margaret J. Reinsch, Esq., Legislative Analyst
Joint Standing Committee on Judiciary
Office of Policy and Legal Analysis
Maine State Legislature
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Augusta, Maine 04333
(207) 287-1670
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(207) 287-1275 (fax)
margaret.reinsch@legislature.maine.gov

From: Dwight Hines [<mailto:dwight.hines@gmail.com>]
Sent: Friday, November 05, 2010 3:12 PM
To: Reinsch, Margaret; Dwight Hines
Subject: Questions on creating an Administrative Rule or Amendment to Maine FOAA to require all computer upgrades, etc., to assure transparency -- inexpensive, rapid access and electronic copies of electronic files

Dwight E. Hines, Ph.D.
IndyMedia
715 Green Woods Road
Peru, Maine 04290
207-562-4701

November 5, 2010

Ms. Peggy Reinsch
Legislative Staff
Right To Know Advisory Committee
State of Maine

Dear Ms. Reinsch:

Mr. Eric Stout, OIT, recommended that I contact you on the absence of transparency for electronic databases created and maintained by the State of Maine.

11/17/2010

From what I've experienced in dealing with Health & Human Services for the past two months in attempting to obtain an electronic copy of a small database (restaurant inspections), I believe Maine needs an Administrative Rule, or an Amendment to Maine FOAA, that will require all software and hardware purchases and leases, and computer upgrades, etc., be accompanied by a written assurance that transparency of the records was incorporated into the design and performance contracts so the public may obtain inexpensive, rapid access to, or copies of, electronic copies of electronic files maintained by the State of Maine.

In addition, a requirement that legal advisors, attorneys and paralegals who work for the state as full or part time employees or on a contract basis, take workshops to become computer literate in modern databases, be the databases be in SQL or some version of SQL. Because of the wonderful work of the ABA on establishing access to government records as a fundamental human right (InterAmerican Court Human Rights; European Court Human Rights, etc.), the attorneys might possibly provide a workshop to the information technology individuals on right to know and human rights, as well as right to know and economic development.

I will try and give you a call to see what you recommend that I do to see that such a Administrative Rule or Amendment be achieved as soon as possible.

Dwight Hines

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Application Inventory Dashboard

Applications by Entities

State - Executive Branch	986
State - Non Executive	51
Federal	47
Commercial/Community	26
Unknown	0
Total Active Applications:	1110

Applications by State Departments

AG		1
AGR	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	96
ARTS.COMM	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	2
CONS	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	37
CORR	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	47
DAES	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	122
DECD	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	2
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DVEM	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	11
ETHICS	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	3
FAME	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	1
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MPUC	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	6
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SOS	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	43
TREASURY	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	4
WKR.COMP	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	1

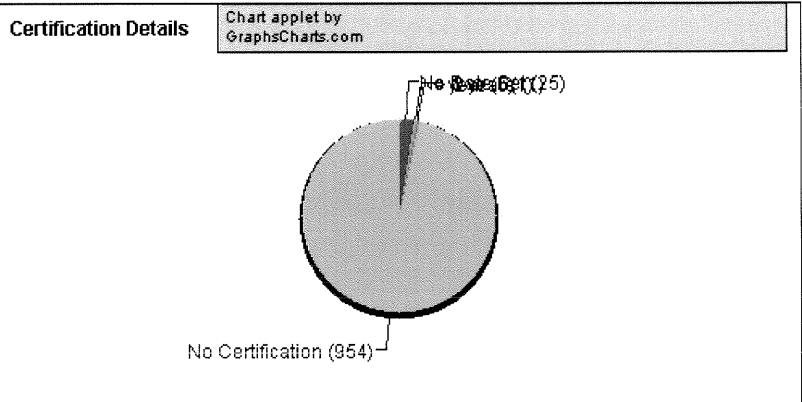
Total	%	Line of Business
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55	5.6%	Certified for Accessibility for 508? If a remediation plan required, please note in the Remarks.
32	3.2%	Deployment Certification? Note Partial or Full and any remediation in the Remarks section.
379	38.4%	Does App generate/store data about People?
291	29.5%	Does App generate/store data about Organizations?
88	8.9%	Does App generate/ store /share data about Eligibility?
88	8.9%	Does this application support Health and Safety related services?
60	6.1%	System processes Billing, Receipts, Claims?
70	7.1%	System processes Customer contact, case management, Intake?
78	7.9%	Does this application generate/store/share information about Licensing, Permitting, Certification of People - or activities supporting these Processes (i.e. inspections)?
30	3.0%	Does this application generate/store/share information about Licensing, Permitting, Certification of Facilities - or activities supporting these Processes (i.e. inspections)?
208	21.1%	Does this app generate/store/share information about Money/Finance/Budgeting?
92	9.3%	Does this application support Revenues coming into the State?
46	4.7%	Does this application support Financial Services to Citizens?
31	3.1%	Does this application support Financial Services to Providers?
107	10.9%	Does this application manage information about accidents, incidents, code / license violations, criminal activities, grievances, rights violations, appeals, or other Reportable Events? (Incident / Investigation Mgmt.)
131	13.3%	Does this app support the management and maintenance of Facilities, Materials, other Assets? (Includes Inventories)
159	16.1%	Does this app support the management and maintenance of Environmental/Land-related Issues?

52	5.3%	Does this system support tourism or recreation?
44	4.5%	Does this system generate a survey, collect survey results, process survey reports, collect data on a population?
72	7.3%	Does app generate/ store /share data about Imaging, Document / Workflow Mgmt?
156	15.8%	Is app a list, or used to generate lists?
42	4.3%	Is App a Data Warehouse?
41	4.2%	Does App collect data about race/ ethnicity/ language in a way that conforms with Federal Law?
29	2.9%	Does App contain Protected Health Info?
17	1.7%	Does the system use Credit Card Numbers?
142	14.4%	Does app contain SSNOs?
38	3.9%	If yes to SSNO - Is SSNO outward facing?
22	2.2%	Does this application process Electronic Bank Transfers?
95	9.6%	Does this application have an internet component?
64	6.5%	Desktop dependencies (only works with IE6, IE7 required, Word version 2007 required, etc)
122	12.4%	Is this application a Core Business Function upon which other applications are dependent?

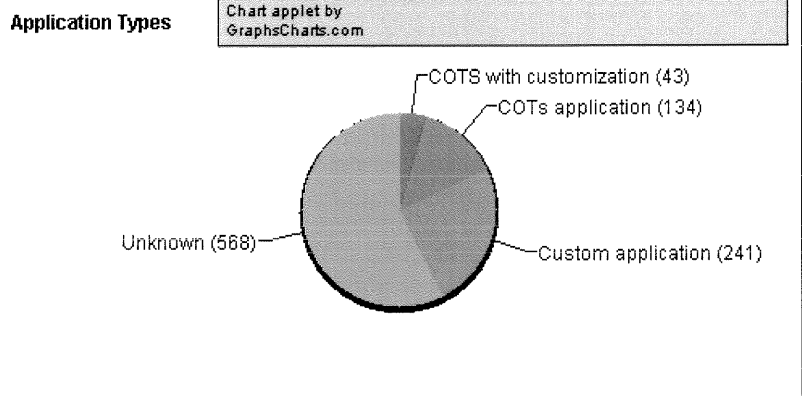
Certification Details

No Date Set	25
< year	5
> 1 year	1
> 3 years	1
No Certification	954



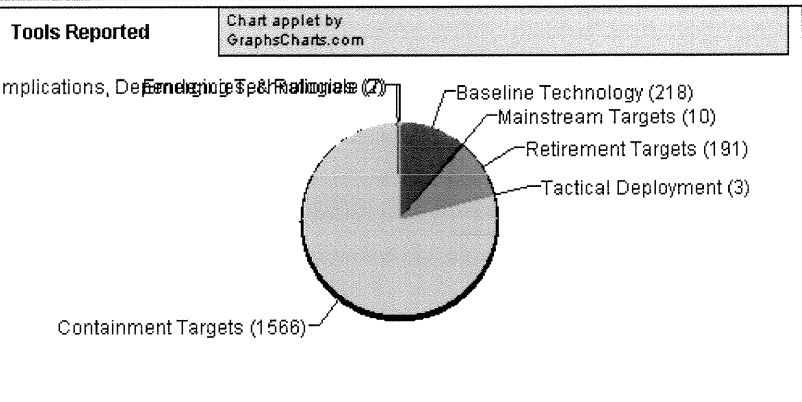
Application Types

COTS with customization	43
COTs application	134
Custom application	241
Unknown	568

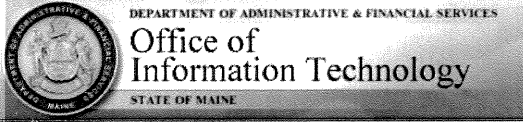


Tools Reported

Baseline Technology	218
Containment Targets	1,566
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OIT Application Inventory

Please note that the Applications Inventory is being continually updated to add and to validate data.

Restrict To

Owner
Type: State - Executive Branch
Owner: AG
Find:
 Active Only Inactive Only Both
Show: Database Software Description Users Servers

Software

Database

Servers:

Lines of Business

Owner	Acronym	Application
AGR	2003 Lasix+	2003 Lasix.mdb
AGR	2007registryupdate	2007registryupdate.mdb
DOL	21D	OSHA State Satellite Program
SOS	8TH GRADE CITIZENSHIP AWARD NOM.	Secretary of State's 8th Grade Citizenship Award Nomination Form
SOS	AB BALLOT REQ SERV	Absentee Ballot Request Service
SOS	ABAND. VEH. LIEN-HLDR NOTIF.	Abandoned Vehicle Lien Holder Notification
DHHS	ABLES	Adult Blood Lead Epidemiology and Surveillance
DOT	Access Management	Access Management
DAFS	ACCMONITOR	Accessibility Reports
CONS	Accomp	FPM Activities Tracking System
DHHS	ACCPAC	ACCPAC (SBT/ACCPAC)
DPS	Ace Manager	Ace Manager
DPS	Ace Net	Ace Net
DHHS	ACES	Automated Client Eligibility System
DHHS	ACES KB	ACES Knowledge Base
DPS	AceView	AceView
DAFS	ACL	ACL
DHHS	ACRT	ACES Case Reading Tool
DOT	ACVSS	Automated Commercial Vehicle Screening System
DAFS	AD	Active Directory
CORR	AD Download	AD Download
DHHS	ADMIN HEARINGS OIAS	Administrative Hearings - OIAS
DHHS	Adopt. Subs.	Adoption Subsidy
DAFS	AdvME	AdvantageME
DAFS	AdvME VSS	AdvantageME Vendor Self-Service
DEP	AECTS	Air Emission Compliance Tracking System
CORR	AFIS - CORR	Automated Finger Print Information System
DPS	AFIS - DPS	Automated Fingerprint Identification System
DHHS	AFM	Alternative Funding Method
AG	AG	Attorney General Systems
DEP	AGENCY SUB-AGCY	Agency and subagencies
AGR	Agr. Inv	Agriculture Inventory
AGR	Agricultural Development Grants	Agricultural Development Grants.mdb
AGR	AGRICULTURE	Maine Dept. of Agriculture Systems
DEP	AGRONOM RESID UT	Agronomic Residual Utilization
AGR	AgtourismUMO	AgtourismUMO.mdb
ATG	AIG	ATG Deferred Comp Plan
DHHS	AIM	AIM Maintenance Software
DEP	AIR DISP MODELING	Air Dispersion Modeling Database
DEP	AIR LAB MON	Air Lab Monitoring Spreadsheet Routines
DEP	AIR MODEL INPUT	Air Model Input Files
DEP	AIR QUAL BEAM	Air Quality Beam Project/System
DEP	AIR QUAL FOREC	Air Quality Forecasting Website (Ozone Monitoring)
DEP	AIR QUAL MONITOR	Air Quality Monitoring System
DOT	Aircraft Registrations	Aircraft Registrations
DAFS	Alchemy Imaging	Alchemy Bureau of Human Resources Imaging
DAFS	Alert	Tax Alert
DHHS	ALICE	Annotated Lead Information Case Explorer
PFR	ALMS	Agency License Management System
DVEM	ALOHA	Areal Locations of Hazardous Atmospheres
MSL	Ancestry	Ancestry
DPS	ANI/ALI	E-911 ANI/ALI
AGR	Animal Welfare	Animal Welfare.mdb
SOS	ANN RPTS FILING	Annual Reports Filing
DEP	ANN-RPT	ANN-RPT
DEP	ANN REP CSO	Annual Reports - for CSO
DEP	ANN REP FOR CWD	Annual Reports Tracking Documents - for CWD By Year
Anthem	Anthem	Athem Employee Health Insurance
IF&W	AnyDeer Lottery	Any Deer Permit Lottery
IF&W	AnyDeer Permit	Any Deer Permit Transfer
DHHS	APPEALS - OCFS	Appeals Database
DEP	APPENDA	APPENDA
DHHS	APS CareConnection	AMHS, CBHS Managed Care Contractor
DAFS	Aptrack	Bureau of Human Resources Applicant Tracking System
DEP	AQS	AQS (new AIRS)
DEP	AQUACULTURE	Aquaculture Database
DAFS	Arbitration Database	Arbitration Database
SOS	ARCHDM	Archives Death/Marriage Search
MUSEUM	Archeological Database	Archeological Database - MS Access
DEP	ARCHIVES	ARCHIVES

SOS	Archives Online Store	Archives Online Store
SOS	Archives Search and Ordering	Archives Search and Ordering
DEP	AREA-SRCE-TOX	Area Source Toxics Spreadsheet
DAFS	ARRA DATA & REPORTING	ARRA Stimulus Funds Data Repository & Reports
DOT	Artemis APV	artemis APV
MUSEUM	Artifax	Artifax
DEP	ASAP	ASAP
DHHS	ASPEN	Automated Survey Processing Environment
DAFS	ASPEN LMS	SumTotal - Aspen Learning Management Application
DEP	ASSESSMENT	Assessment Database (ADB)
AGR	Asset Tracking1	Asset Tracking1.mdb
DEP	AST_REPL_DB	AST Replacement Database
DEP	ATP/ABEL	Ability To Pay Database (ATP/ABEL)
DEP	ATS	Application Tracking System (ATS)
DAFS	ATS - Workers Comp	ATS - Workers Comp
DEP	ATS_COMP	ATS Compliance
MPUC	ATS_PUC	Administrative Tracking System
DEP	ATSCOMP	ATS & Stormwater Compliance (ATSCOMP)
CONS	ATV/Snowmobile Grants	ATV/Snowmobile Grants
CONS	ATV/Snowmobile Signs	ATV/Snowmobile Signs
IF&W	ATV_Snowmobile	ATV Snowmobile Registration
DOL	Autocoder	Occupational codes software
INFORME BOARD	AUTOFORMS	Autoforms Enterprise Tool
DEP	AVE	Advantage Vendor Extract
DOE	Average Daily Attendance Reporting	Average Daily Attendance Reporting
AGR	Back Cove Donors	Back_Cove_Donors.mdb
DOL	BAM	Benefits Accuracy Monitor
CORR	BARS	Bed Management and Availability System
AGR	BB-Remote	BB-Remote.mdb
CONS	BBTS	Bear Bait Tracking System
DHHS	BCFS Intake 1	BCFS Intake databases - Standby
DHHS	BCFS Intake 2	BCFS Intake databases - Clearance Requests
AGR	BDMAIL	BDMAIL.MDB
DECD	BDTI - Client Tracking System	BDTI - Client Tracking System
AGR	Beekeepers	Beekeepers.mdb
DHHS	BEST FRIENDS	Best Friends Database
PFR	BFI eFile	Bureau of Financial Institutions' eFile Application
DAFS	BFMS	Budget and Financial Management System
DHHS	BH_DWH	Behavioral Health Data Warehouse
MSL	Bibliostat	Bibliostat
AGR	BigProd	BigProd.mdb
DHHS	BIONUM	Bionumerics
AGR	blank_rapid_det	blank_rapid_det.mdb
DHHS	BLD_LEAD_MSTR	Blood Lead Master Database
DOL	BLS Data Warehouse	Bureau of Labor Standards Data Warehouse
DEP	BMFS_NRSC	Budget Management Financial System (BMFS)
DAFS	BMS	Budget Management System
DHHS	BMS Extract	BMS Extract.
DHHS	BMS INTRANET (OMS)	BMS Intranet Portal
SOS	BMV	Bureau of Motor Vehicles Systems
SOS	BMV Guest User Sys	BMV Guest User System for Agencies
SOS	BMV MUN FILE XFER	BMV Municipal File Transfer
SOS	BMV Susp. Driver Sys.	BMV Suspended Driver System
DEP	BOARD	BOARD
DEP	BOARD_ORDERS	Board Order Tracking Document
SOS	BOARDS & COMM ONLINE DIR	Boards and Commissions Online Directory
SOS	BOARDS/COMMISSIONS ANN RPT FILING	Boards and Commissions Annual Reports Filing
IF&W	Boat Reg. Renew	Boat Registration Renewal
DEP	BOAT_INSP	Boat Inspection
DHHS	BOILER	Boiler Maintenance Software
DEP	bond reports	bond reports
AGR	BottleBill	BottleBill.mdb
AGR	BottleBill Export	Returnable Registration Service
CONS	Bouy Data	BP&L Bouy Data
AGR	BPC-Master-Forms	BPC-Master-Forms.mdb
AGR	BPC-Master-Tables	BPC-Master-Tables.mdb
AGR	brdcomm2002	brdcomm2002.mdb
DHHS	BRFSS	Behavioral Risk Factor Surveillance System
DEP	BROWNFLDS_DB	Brownfields Database
DEP	BRWM_COMP_INSP	Compliance Inspections - for BRWM
DEP	BRWM_PROJ_LOG	Project Work Log - for BRWM Technical Services
DEP	BRWN_MILEAGE	Mileage Tracking Spreadsheet - for BRWM / CFM2002
DHHS	BSF**	Birth Statistical File
CONS	BSMS	Boat Site Management System
DOL	BUC Appeals	Bureau of Unemployment Compensation Appeals
Governor's Office	Budg. Bal. Tool	Budget Balancing Tool
AGR	BulkTankers	BulkTankers.mdb
CONS	Burn Permits	Burn Permit Online Purchase
DECD	Business Answers	Business Answers Licensing Assistant
DAFS	Business Engine	Business Engine
CORR	C5 Protocol	C5 Protocol
DHHS	CACFP	Child & Adult Care Food Program
DPS	CAD	Computer Aided Dispatching
DOT	CADD	CADD
DEP	CAMEO	Computer Aided Management of emergency Operations
CONS	Campground Database	Maine State Park Campground Reservations On-Line
CONS	Campplot Leases	Campplot Leases
DPS	Canine Incident Reporting	Canine Incident Reporting
DHHS	CareFacts	Public Health Nursing Records System - CareFacts
DHHS	CAREWARE	AIDS Treatment database
DOT	CARS/511	CARS/511
DOT	CARS: RWIS	CARS: RWIS
DHHS	CASE MIX_OA	Case Mix Quality Assurance Application
DHHS	Caseworker DB	Caseworker Database
CBP	CBP	Community Business Partners
DHHS	CCFS	Child Care Facility Search
DHHS	CCR	Consumer Confidence Reports

DOL	CCWeb	Maine Job Bank
CORR	Cell Phone Utilization	Cell Phone Utilization
DOL	Census	Census
DEP	CERT	Certified Environmental Registry and Tracking Database
DEP	CERT_EROS_CTL_CONT	Certified Erosion Control Contractor Listing
DOE	Certification	Certification
CONS	Certification Tracking	Certification Tracking
DHHS	CERTIFIED LABS	Certified Labs
SOS	CHANGE OF REG. ADDR	Change of Registered Address
CORR	Check Receipt Register	Received Check Log
DEP	CHECK_TRK	Checks Tracking Application
DHHS	Childlink	Childlink
CORR	CHOIR	CHOIR
DPS	CHRI	Criminal History Record Information System
DPS	CHRI INQUIRY	CHRI INQUIRY
DAFS	CIMS	CIMS
MSL	Civil War Database	Civil War Database
DPS	CJ_GMIS	Criminal Justice Grant Management System
DAFS	Claims Mgmt	Claims Management System
DEP	CLASS I	Class I Spreadsheet
DHHS	CLASSIFICATION	Classification
ETHICS	Clean Election Contributions	Qualifying Contributions for Clean Election Candidates
CORR	Client Phone System	Client (Inmate)Phone System
DEP	Closure List	Site Closure List - for BRWM Technical Services
DOT	CMS	Certified Management Software
DHHS	CMS_2082	Claims 2082 File
DHHS	CMS_372	CMS 372 Data
DHHS	CMS_416	CMS-416
DHHS	CNA Registry	Certified Nursing Assistants Registry
DHHS	COCASA	Comprehensive Clinic Assessment Software Application
DPS	CODIS	Combined Dna Indexing System
CONS	Collection	Insect Collection
DEP	COLUMN LIST	Column List
DOL	Common Client	Common Client Database
DOL	Common Employer	Common Employer Database
DEP	COMMON BILLING	Common Billing Subsystem
DEP	COMP-TRK.mdb	Compliance/Inspection Tracking System
DHHS	CON	Certificate of Need
MSPO	CONS EASEMT REG	Conservation Easement Registry
CONS	Contacts	Contacts
AGR	ConvertedNursery	ConvertedNursery.mdb
CORR	CORIS	Corrections Information System
CORR	CORIS Tickets	CORIS Tickets
CORR	CORR_MED_BILL	Corrections Medical Services Billing System
CORR	CORRAL	CORRAL
CORR	CORRNET	CORRNET
DOT	CORS	CORS
DHHS	COST SETTLEMENT	Cost Settlement Application
CORR	Counter Point	Counter Point
CORR	County Reporting of Actuals Program (CRAP)	County Reporting of Actuals Program
Judicial	COURT FINES ONLINE	Court Fines & Fees Online Payment Service
DHHS	COURT ORDERS	Court Order Tracking System
DEP	CPI	Consumer Price Index (CPI)
DAFS	CPURS	Cell Phone Utilization and Reimbursement System.
CR_BUR	CR BUR	Credit Bureau
DOT	Crash Analysis System (CAS)	Crash Analysis System (CAS)
DPS	Crash Rpt Order	Crash Report Ordering
DPS	Criminal Intelligence	Criminal Intelligence
DPS	Criminal Rec	Criminal Records Search
DEP	CRIT_AREA_SRFCE	Criteria Area Sources Spreadsheet
DEP	Criteria Pollutant Database for Point (stationary)	i-Steps Infinity Software (ISTEPS) / Criteria Pollutant Database for Point (stationary) Sources
DHHS	CRMA	DLRS Training Information
DHHS	CSHN	Children with Special Health Needs
DHHS	CSLN	Child Support Lien Network
DEP	CSQ_DEP	Customer Survey Questionnaire
DOL	CSSF	Competitive Skills Scholarship Fund.
DEP	CTS	Compliance Tracking System - for Lead and Asbestos Program
DEP	CTS	Complaint Tracking System (CTS)
MSL	CUL	Consortium of User Libraries
DOT	CVIEW	CVIEW
DOL	CWS	Construction Wage Survey
DAFS	DAFS Fin DW - BI QUERY/GQL	Financial Data Warehouse
DAFS	DAFS Fin DW - MS SQL Server 2008 BI	DAFS Financial Data Warehouse - MS SQL Server 2008 BI
DAHL-CHASE	DAHL-CHASE	DAHL-CHASE
MSL	Daily-Cards	Daily-Cards
DOL	Data Validation	Benefits/Tax Data Validation
DHHS	DATAHUB	DHHS Data Hub Version 1 - Eligibility Implementation for MIHMS
DHHS	DAVE	Database Application for Vital Events
DHHS	Daycare_DB	Daycare DB
DAFS	DBAR	Oracle DBA Reports
DHHS	DDS	Disability Determination Services Systems (SSI)
DEP	DEA_MODEL	DEA Modeling
DHHS	Death Cert DB	Death Certificate Database
DEP	DECTA PMNT_NON_SRF	DECTA Payment - new payment (Non-SRF)
DEP	DECTA PMNT_SRF	DECTA Payment - SRF
DHHS	DEEP	Driver Education and Evaluation Program
Deloitte	Deloitte	Deloitte - Interim Payment Recovery Team (IPRT)
Delta Dental	Delta Dental	Delta Dental Insurance
DEP	DEP	Department of Environmental Protection Systems
DEP	DEP UNIVERSAL INTERFACE	DEP Universal Interface
SOS	DES OF TRUSTEE	Designation of Trustee Process
AGR	Dfarm Archive	Dfarm Archive.mdb
AGR	Dfarm-Forms	Dfarm-Forms.mdb
AGR	DFarm-Tables	DFarm-Tables.MDB
DHHS	DHE_Tracker	Environmental Health Database
DHHS	DHHS-APPS	DHHS APPLICATIONS
DHHS	DHHS_DW	DHHS Enterprise Data Warehouse

DHHS	DHHS_WEB	DHHS Web Initiative
DEP	Di-cap reports	Di-cap reports
DHHS	Diabetes_DB	Diabetes Giveaway DB
MPUC	Dig Safe	Dig Safe
DOT	Digital Interplot	Digital Interplot
DAFS	Digital Express	Digital Express
DHHS	DINING SITE	Dining Site Database
DEP	DIOXINS	Dioxins
CORR	Directory (DOC)	Directory (Community and Institutions)
AGR	Directory list	Directory list.mdb
Governor's Office	Dirigo	Dirigo
CORR	Disciplinary Application	Disciplinary Application
DEP	DMR-REP	DMR Reporting
DPS	DNA	DNA
DEP	DOCKS	Docks
AGR	Dog Licensing	Dog Licensing
DOL	DOL_IVRS	Interactive Voice Response System for Unemployment Claims
SOS	DRIVER CROSS CHECK	Driver Cross Check
SOS	DRIVER LIC. & ID CARD	Driver's License & ID Card
SOS	DRIVER REC. CHECK	Driver Record Check
DOT	dROAD	dROAD
DOL	Drug Testing Survey	Drug Testing Survey
DOL	DRVS	Data Reporting and Validation Software
DEP	DRY_CLNR_EM_COMP	Dry Cleaner Emissions Compliance
DHHS	DSAT	Differential Substance Abuse Treatment
DHHS	DSER IMAGING	DSER Imaging
DHHS	DSF **	Death Statistical File
DOT	dTIMS	dTIMS
DHHS	DTxC	Drug Court Treatment System
DHHS	Dual Database	Dual Database
SOS	DUP. VEH. REG.	Duplicate Vehicle Registration
DVEM	DVEM Websites	Websites
DEP	E-DAS	Electronic Data Acquisition System (E-DAS) - for Air Monitoring Data
DAFS	E911	E911
US DHHS	EARS	Early Aberration Reporting System
DEP	EASEMENTS	Easements
AGR	EBB	EBB.mdb
DHHS	EBC **	Electronic Birth Certificate
DAFS	EBS - Enterprise Billing System	Enterprise Billing System
AGR	EBT	EBT.mdb
DEP	eDMR	Electronic Discharge Monitoring Reports
DOL	Education	DOL Education
DEP	EFIS	Environmental Facilities Information System
DEP	EGAD	Environmental and Groundwater Analysis Database (EGAD) - Replacement for TechServ and GroundWater Databases
DHHS	EIM Bill	Elder Independence of Maine Billing Application
DHHS	EIS	Enterprise Information System
DEP	EIS -DEP	Enforcement Information System
DHHS	EIS TRAINING	EIS Training (CBT)
DOT	Elation	Elation Davis-Bacon Enforcement
DEP	ELEC DISCH MON	Electronic Discharge Monitoring Report (eDMR)
DAFS	Elec_SOM_Forms	Electronic State Forms Inventory
DAFS	Electronic Telephone Directory	Electronic Telephone Directory
DHHS	Elig_2082	Eligibility 2082 Reports
DHHS	Elig_File	Eligibility Files
DHHS	EMDEON	EMDEON Business Services, LLC
DAFS	Ent App Inv	Enterprise Application Inventory
DOT	Enterprise GIS Web Framework	Enterprise GIS Web Framework
DOT	Environmental Preconstruction	Environmental Preconstruction
DEP	EPA-PTS	EPA Payroll Tracking System (EPA-PTS)
DHHS	EPHTN	Environmental Public Health Tracking Network

DOT	FleetFocus & Fuelfocus	FleetFocus & Fuelfocus
DHHS	FLEXFUNDS	Flexible Funds System - State of Maine DHHS
CONS	FONS	Forestry Operations Notification Sysytem
DAFS	Footprints	Footprints
DAFS	FORTIS	FORTIS
DVEM	FORTIS_DVEM_Burial_Rec	FORTIS - Veterans Services Burial Records
DVEM	FORTIS_DVEM_Disch	FORTIS - Veterans Services Military Discharge
DVEM	FORTIS_DVEM_ED_BEN	FORTIS - Veterans Services Educational Benefits
DHHS	FRAUD_UNIT_Complaint_DB	Fraud Unit Complaint Database
DOT	Free2000: Finance	Free2000: Finance
DOT	Free2000: Fleet_Support	Free2000: Fleet Support
DOT	FREE2000: Personnel	FREE2000: Personnel
DOT	Free2000: TRACS	Free2000: TRACS
DPS	FUEL_DATA	FUEL DATA
DEP	Fundtrackers	Fundtrackers
CORR	Furloughs	Furloughs
DOT	Galaxy Ticketing	Galaxy Ticketing
DPS	GARAGE_MAINTENANCE	GARAGE MAINTENANCE
CORR	GasBoy	GasBoy
DOE	GED	General Equivalency Diploma
DOL	GEN-II	GEN-II Case Management System for Labor Standards
DHHS	Gen. Assist. DB	General Assistance
DEP	GENER_CLOSURES	Generator Closures Spreadsheet
DHHS	GENETIC_DOCS	Genetics Doctors database
DHHS	GeriMenu	GeriMenu
AGR	Get_Real_Orders	Get Real Orders .mdb
DHHS	GHS	Goold Health Systems
AGR	ginseng_2001	ginseng 2001.mdb
DPS	GLINK	GLINK
CONS	GOAT	Geographically Oriented Action Tracker
DOT	Golden_Software_Grapher	Golden Software Grapher
DEP	GOV_MAIL	Gov Mail
DEP	GQL-DEP	GQL
DPS	Grade_Program	Grade Program
DAFS	Grant_Accounting_System	Grant Accounting System
DEP	grant_summaries	Service Center Grant Management System
DEP	GRAV_PIT	Gravel Pit Database
MSL	Greenstone	Greenstone
CORR	Grievance - Corrections	Grievance Application
DEP	GRNT_APPS	Grant applications
CONS	Group Pass	Group Pass Program
CORR	Guns - Corrections	Guns Inventory
DEP	HABITAT_STATE	Habitat State Application
DHHS	HAN	Health Alert Network
AGR	HANDLE1	HANDLE1.MDB
AGR	Handles1	Handles1.mdb
Hartford	Hartford	Hartford Deferred Comp Plan
DEP	HAZ_WSTE_TRANS_DB	Hazardous Waste Transporter Database
DVEM	HAZUS	HAZUS
MHDO	HealthCost_Web	Maine Health Data Organization's .gov site
MHDO	HealthData_Web	Health Data Web
AGR	Help_Fix_Me	Help Fix Me.mdb
MSL	Heritage_Quest	Heritage Quest
DHHS	HETL_PO	HETL Purchase Order
DOT	Highway_Attributes	Highway Attributes
HIN	HIN	HealthInfoNet
DAFS	HireME	HireMe Maine State Job Application
DOT	Historic_Properties	Historic Properties
CONS	Historical	Historical Collection of Insect Info
SOS	Historical_Newspapers_Search	Historical Newspapers Search
DHHS	HIV_DBMS	HIV/AIDS Medication Database
DHHS	HMDS **	Maine Cooperative Health Manpower Resource Inventory (Extract) .
DHHS	HMP	Healthy Maine Partners Datalink
DHHS	HMS	Health Management Systems Inc
DOE	Home_School_Application_Data	Home School Application Data
DHHS	HOSP_DISCH	MHDO Discharge Data
CORR	HR_Early_Notice - Corrections	HR Personnel Update
DAFS	HR/Payroll	Human Resources/Payroll System
DAFS	HR/Payroll_ESS	HR/Payroll Employee Self-Service
AGR	HRC_Licensing	HRC Licensing.mdb
AGR	HRC_LIC	HRC_LIC.mdb
DPS	HS_GMIS	Highway Safety Grant Management System
CONS	HSRS	FPM Harvest Site Reporting System
DVEM	Hurricanevac	HURricane EVACuation
DEP	HWL	Hazardous Waste License Billing and Tracking System (HWL)
DPS	IA	IA
DHHS	IA **	Induced Abortion
DEP	IAPP	Individual Ability to Pay Program - (IAPP)
DOL	IBIQ	Interstate Benefits InQuiry
DHHS	ICPC	Interstate Compact on the Placement of Children
AGR	IDME	Maine Animal Identification Program
SOS	IFTA	International Fuel Tax E-Filing
IF&W	IFW_Safety	IFW Safety
IF&W	IFW_Storefront	IFW Storefront
IF&W	IFW_Warden_Time_Off	IFW Warden Time Off
DEP	IMERC	Interstate Mercury Education and Reduction Clearinghouse
DHHS	IMPACT_2	IMPACT 2 - Web Based Immunization Information System
DHHS	IMPACT2_Extract	IMPACT2 Extract
AGR	Import-Export1	Import-Export1.mdb
DPS	In-Car_Digital_Video_Library	In-Car Digital Video Library
DEP	INDIR_CST_PROPOS	Indirect Cost Proposal
DOE	Infinite_Campus	Infinite Campus
DAFS	InfoADV	InfoAdvantage
ING	ING	ING Deferred Comp Plan
DOT	InMagic_Library_Catalog	InMagic Library Catalog
CORR	Inmate_Badges	Inmate Badge ID System (Debitek)
CORR	Inmate_Housing	Inmate Housing

PFR	INS_WEB	Bureau of Insurance Web Reporting System
DEP	INSTIT_CONTROLS	Institutional Controls Database
DPS	Instructor_database	Instructor database
SOS	INT. CORP. SRCH.	Interactive Corporate Searches
SOS	INT. DRIVER REC. SRCH.	Interactive Driver Records Search
SOS	INT. REGIS. REC. SEARCH	Interactive Registration Records Search
SOS	INT. TITLE SEARCH	Interactive Title Search
DAFS	Internal Service Fund Reports	Internal Service Fund Reports
DEP	INVAS_SPECIES	Invasive Species
DHHS	Inventory Control	Inventory Control
DHHS	IPHIS	Integrated Public Health Information System
CONS	IQS	Incident Qualifications System
DHHS	IVR_OMS	Interactive Voice Recognition System (MECMS)
DHHS	JCAHO (ORYX)	JCAHO's ORYX Reporting Requirement
CONS	Journal	BP&L Expenditure Tracking System
Judicial	JUDICIAL-MEDIATOR_SEARCH	Alternative Dispute Resolution (Mediation Services)
CORR	Juvenile Detention	Juvenile Detention Assessment (JDAP)
CORR	Juvenile Recidivism	Juvenile Recidivism
DHHS	Katie Beckett	Katie Beckett Application
DHHS	KeepMEWell	KeepMEWell Online Health Assessment Service
CORR	Keywatcher	Security - Keywatcher
DHHS	KIT	KIT
DOE	LABELS	Labels
CONS	Land Acquisition DB	Land Trade Tracker
CONS	Land Owner Report	MFS Land Owner Report
DEP	LANDF_GEOMEM	Landfill - Geomembrane Seam Strength Database
DEP	LANDF_STAB_INTERF_FRICT	Landfill Stabilization - Interface Friction Database
DEP	LANDF_SWF_ENG_DRAW	Landfill - Solid Waste Facility Engineering Drawings Listing
DEP	LANS	Lead/Asbestos Notification System (LANS)
MSL	LARS	Library Automated Retrieval System
CORR	Laserfiche	Laserfiche
DEP	LATIS	LATIS (Lakes Database)
DHHS	LBIDC **	Linked Birth Infant Death Certificate Statistical System (Extract)
CONS	LEDB	Law Enforcement
DEP	LEG_DOC_STOR_SYS	Legislative Document Storage System
DHHS	Leg_Tr_Sys	Legislative Tracking System
AGR	LegalAction	LegalAction.mdb
AGR	legislation_tracking	legislation_tracking.mdb
DEP	LEGISLATIVE	Name of the system: Legislative
AGR	lgwaddress	lgwaddress.mdb
CONS	Library	Insect Book Library
AGR	Licensed Arborists	Licensed Arborists.mdb
AGR	licenses	licenses.mdb
MSHA	LIHEAP	Low Income Home Energy Assistance Program
DPS	LIMS	Laboratory Information Management System
DHHS	LINE LIST	Line List
DPS	Linx 2010 --> Omnixx	Linx 2010 --> Omnixx
DPS	LIQUOR LICENSING	LIQUOR LICENSING
DHHS	LIRV	License Revocation Database
AGR	List of Deer Farms	List of Deer Farms.mdb
DHHS	LITS Plus	Laboratory Information Tracking System
ETHICS	Lobbyist Reg.	Lobbyist Registration
DHHS	LOC_DB	Levels of Care Database
AGR	local_sealer	local_sealer.mdb
DOT	Locations and Openings	Locations and Openings
AGR	LogoDownloads	LogoDownloads.mdb
CORR	LoisLaw	LoisLaw
DEP	LOTS	Bill Tracking Spreadsheet (Formally LOTS)
DAFS	LOTTERY	Maine State Lottery Commission Systems
DAFS	Lottery Numbers/Emails	Lottery Numbers/Emails
MSL	lp_bill1.mdb	lp_bill1.mdb
MPUC	LPG_Database	Liquid Propane Database
DHHS	LRN-RM	Laboratory Response Network - Results Messenger
DOT	LUSAS	LUSAS
DEP	LW_VEH_REP	LW Vehicle Reporting
DHHS	MACCSS	Childcare SLOTS/VOUCHERS
DHHS	MACWIS	Maine Automated Child Welfare Information System
DOE	MAEMIS	Maine Adult Education Management Information System
DEP	MAIL_LOG	Mail Log
CONS	MailingLabels2k	Mailing Request Management System
DPS	Maine Drug Enforcement - Case Index	Maine Drug Enforcement - Case Index
DPS	Maine State Police - Activity Reporting	Activity Reporting
DPS	Maine State Police - Overtime Details	Overtime Details
INFORME BOARD	MAINE.GOV CITIZEN ALERTS	Maine.Gov Citizen Alert System
INFORME BOARD	MAINE.GOV DATASHARE	Maine.Gov Datashare
DAFS	MAINE.GOV E-POSTCARDS	Maine.Gov E-Postcards
INFORME BOARD	MAINE.GOV GOOGLE SEARCH ENGINE	Maine.Gov Google Search Engine
INFORME BOARD	MAINE.GOV LISTSRV SOFTWARE	Maine.Gov Listserve Software
DAFS	MAINE.GOV LIVE HELP	Maine.Gov Live Help
INFORME BOARD	MAINE.GOV LIVE STREAMING MEDIA SOLUTION	Maine.Gov Live Streaming Media Solution
DAFS	MAINE.GOV MAPPING	Maine.Gov Mapping
INFORME BOARD	MAINE.GOV MEDIA GALLERY	Maine.Gov Media Gallery
DAFS	MAINE.GOV MOBILE PORTAL	Maine.Gov Mobile Portal
INFORME BOARD	MAINE.GOV NEWS SYSTEM	Maine.Gov News System
DAFS	MAINE.GOV PHOTO CONTEST	Maine.Gov Photo Contest
DAFS	MAINE.GOV PORTAL DESIGN/SITE	Maine.Gov Portal Design/Site
INFORME BOARD	MAINE.GOV PUB. MTNG. CAL.	Maine.Gov Public Meeting Calendar
INFORME BOARD	MAINE.GOV RSS FEEDS	Maine.Gov RSS Feeds
DAFS	MAINE.GOV SMARTPHONE MOBILE PORTAL	Maine.Gov Smartphone Mobile Portal
INFORME BOARD	MAINE.GOV STANDARD HEADER	Maine.Gov Standard Header
DAFS	MAINE.GOV STATE AGENCY DIRECTORY	Maine.Gov State Agency Directory
DAFS	MAINE.GOV WEATHER	Maine.Gov Weather
ARTS COMM	Maine Arts Web	Maine Arts Commission Web Application
MainePERS	MainePERS-EHB	Maine Public Employees Retirement System
DOE	Maintenance of Schools, Superintendents, and SAUs	Maintenance of Schools, Superintendents, and SAUs
AGR	MainWaterDataBase	MainWaterDataBase.mdb

DEP	MAIRIS	Maine Air Emissions Inventory Reporting Information System
AGR	mais	mais.mdb
CORR	Mandown	Security - Mandown System
DEP	MANIFEST	Manifest Database
DOT	Map_Viewer	Map Viewer
DHHS	MAPSIS	Maine Adult Protective Services Information System
DMR	Marine Licenses	Marine License Renewal
DEP	MARINE_FAC	Marine Facilities
DEP	MARINE_PROG_LFD	Marine Program LFD
DVEM	Marplot	Mapping Application for Response, Planning, and Local Operational Tasks
DHHS	Marriage/Divorce	Marriage/Divorce
MSL	MARVEL	Maine's Virtual Library
DMR	MARVIN	Marine Resources Environmental Inventory
DOT	MathCAD	MatchCAD
DOT	MATS	MATS (DOT)
DHHS	MBCHP **	Maine Breast and Cervical Health Program (MBCHP) Data Management and Reporting System (DMRS)
DEP	MBE	MBE/WBE Submittals(MBE)
CBP	MBLM_BULK_DATA	MBLM Licensee Bulk Data Sales
DHHS	MCR	Maine Cancer Registry
DPS	MCRS	Maine Crash Reporting System (MCRS)
CBP	MD_LIC_RENEW	Physician License Renewal
MHDO	MD-IT	Transcription Service
DEP	MDEP_ENT_MOD_REP	MDEP Enterprise Model Repository
DEP	MDEP_PROJ_TRACK	MDEP Project Tracker Database
DEP	MDEP_SYS_INV	MDEP Systems Inventory Database
CORR	MDI	MDI
DOL	MDOL_Analytics	MDOL Analytics
DHHS	MDS_2.0	Minimum Data Set v 2.0
DHHS	ME_CERT_MGR	Maine Certification Manager
DHHS	MeCAPS	Maine Enrollment and Capitation System
DHHS	MECARE	MECARE
DHHS	MeCMS	Maine Claims Management System
DHHS	MECMS_Secur	MECMS Security Matrix
DOT	Media	Media
DHHS	Medicare B	Strafford Practice Management Software
DHHS	MEDITECH	MEDITECH
DOE	MEDMS	Maine Education Data Management System
AGR	Meeting_Attendees_List	Meeting_Attendees_List.mdb
DAFS	MEGIS ArcGIS license manager	MEGIS ArcGIS license manager
DAFS	MEGIS ArcGIS_Server	MEGIS ArcGIS Server
DAFS	MEGIS ArcGIS/Citrix_environment	MEGIS ArcGIS/Citrix environment
DAFS	MEGIS ArcSDE_environment	MEGIS ArcSDE environment
DAFS	MEGIS Basemap viewer	MEGIS Basemap viewer
DAFS	MEGIS Data_Catalog	MEGIS Data Catalog
DAFS	MEGIS E911_maintenance	MEGIS E911 maintenance
DAFS	MEGIS GeoLibrary_GeoPortal	MEGIS GeoLibrary GeoPortal
DAFS	MEGIS MapServer_environment	MEGIS MapServer environment
DAFS	MEGIS Orthoviewer	MEGIS Orthoviewer
DAFS	MEGIS Web_Mapping_Services	MEGIS Web Mapping Services
DAFS	Melissa	MelissaData
MUSEUM	Membership - File Maker_Pro	Membership database
MEMIC	MEMIC	Maine Employers' Mutual Insurance Company
CORR	Memo_Tracker	Memo Tracker
DOT	MEMS	Municipal Equipment Management System
DHHS	MEPOPS	Maine Point of Purchase System
DOL	MERIS	Maine Employer Registration Internet System.
DPS	Messenger	Messenger
DEP	METEOROL_DATA_ARCH	Meteorological Data Archive (daily met downloads)
DOT	METRANS or HIGHWAYS	METRANS or HIGHWAYS
DPS	METRO	METRO
DEP	MFASIS_DUPL	MFASIS Training Management System (MTMS) (Now ASPEN)
DEP	MFASIS_DUPL2	MFASIS
CONS	MFS_People	Maine Forest Service People
CONS	MFS_FIT	Maine Forest Service Fitness
CONS	MFS_INV	Maine Forest Service Inventory
MHDO	MHDO - Claims	Maine Health Data Organization Claims
MHDO	MHDO - InPatient_Database	MHDO - InPatient Database
MHDO	MHDO - OutPatient_Data	MHDO - OutPatient Data
DHHS	MHDO_EXTRACT	MHDO Subset
MHIC	MHIC	Maine Health Information Center
MHPC	MHPC	MHPC
DOL	MICS	Maine Internet Claims System
DPS	MIDEO	MIDEO
DHHS	MIHMS	Maine Integrated Health Management System
MSL	Millenium	Millenium
MSL	MINERVA	MINERVA
CORR	MIS_Inventory	MIS Inventory
DOE	Missing_Forms_Reporting	Missing Forms Reporting
DHHS	MJIS	Maine Justice Information Systems / Maine Courts Systems
DEP	MLS	Mailing Label System (MLS)
DAFS	MMA	Municipal Official Lookup
DHHS	MMDSS - New	Maine Medicaid Decision Support System (Extract) - New
DHHS	MMDSS - Old	Maine Medicaid Decision Support System (Extract) - Old
DMR	MMSMP	Maine Municipal Shellfish Management Program
DEP	MNTH_FIN_RPT	Month Financial Report
CONS	Mobilize	Forest Protection Mobilization
DEP	Mock_FSRs	Mock FSRs
MHDO	MONAHRQ	MONAHRQ Website
DHHS	Moonlight	Moonlight After-Hours lookup for Child Protective Unit
DHHS	Moose	Managed Care Provider Enrollment
IF&W	Moose_Lottery	Moose Permit Lottery
SOS	MoRAA	MoRAA
IF&W	MOSES	Maine On-line Sportsman's Electronic System
IF&W	MOSES_ON-LINE	Maine On-line Sportsman's Electronic System
DAFS	MOSS	Microsoft Sharepoint
DHHS	MPE	Maine Population Estimates

MPUC	MPUC E-DOC-FILE	MPUC Electronic Document Filing System
DMR	MRLEN	Marine Resources Licensing & Enforcement
DAFS	MRS	Maine Revenue Service Systems
DAFS	MRS I-FILE 1040	MRS Internet File 1040
DAFS	MRS 1040 E-File	MRS Maine FastFile (1040 E-File)
DAFS	MRS CFET	MRS Commercial Forestry Excise Tax
DAFS	MRS Datamatch	MRS Datamatch
DAFS	MRS DWCI	MRS DiscoverTax (DWCI)
DAFS	MRS DWH	COGNOS Data Warehouse
DAFS	MRS FEDEX	MRS FEDERAL EXCHANGE
DAFS	MRS I-FILE CQR	MRS I-FILE Combined Withholding and Unemployment Wage Detail Internet Filing.
DAFS	MRS I-FILE EZ-PAY	MRS I-FILE EZ-PAY
DAFS	MRS I-FILE MEETRS	MRS I-FILE ICESA FILES
DAFS	MRS I-FILE Refund Status	MRS I-FILE Personal Income Tax (1040) Refund Status Information
DAFS	MRS I-File Sales Tax Certificate Lookup	MRS I-FILE Sales Tax Certificate Lookup
DAFS	MRS I-FILE SalesTax	MRS I-FILE Sales, Use and Service Provider Tax Internet Return
DAFS	MRS I-FILE Tax & Rent	MRS I-FILE Tax & Rent relief Internet Filing.
DAFS	MRS IVR	MRS IVR systems used for tax payments and filing sales tax returns via phone.
DAFS	MRS MeF	MRS Modernized e-FILE
DAFS	MRS MERITS	Maine Revenue Integrated Tax System
DAFS	MRS MIPS	Intelligent Forms Processing
DAFS	MRS PTM	MRS Property Tax Manager
DAFS	MRS RETTD	MRS Real Estate Transfer Tax Declaration
DAFS	MRS SALES_RATIO	MRS Sales Ratio
DAFS	MRS Taxmaster	MRS Taxmaster
DAFS	MRS TD BANK Authorize.net	MRS TD BANK Authorize.net
DAFS	MRS Tops	MRS Treasury Offset Program System
DAFS	MRS TRIPS	MRS Tax and Revenue Image Processing System
DAFS	MRS UT CAMA	MRS UT Computer Assisted Mass Appraisal
DAFS	MRSOPS	MRS Intranet Password Authentication
DAFS	MRSUM	TAX Oracle Administration
DOT	MSDS	Material Safety Data Sheet system
MSEA	MSEA	Maine State Employees' Association
MSECCA	MSECCA ONLINE	MSECCA Online Donation Service
MSECU	MSECU	Maine State Employees' Credit Union
DEP	MTE	MFASIS Timesheet Extract
Municipal Bond Bank	MUN BOND BANK	Municipal Bond Bank
DOT	Municipal Official Database	Municipal Official Database
DAFS	MY MAINE.GOV	My Maine.Gov Custom Page and Notification Services
DAFS	MYB	Mind Your Business
DHHS	MYDAUS	Maine Youth Drug & Alcohol Use Survey
NAIC	NAIC	National Association of Insurance Commissioners Systems
DHHS	NECSSES I	New England Child Support Enforcement System I
DHHS	NECSSES II	New England Child Support Enforcement System II
US DHHS	NEDSS- NBS/CDR	National Electronic Disease Surveillance System - Common Data Repository/Base System
DPS	Negotiations	Crisis Negotiations
US DOT	NEMESIS-Federal	National Emergency Medical Services Information System - National Dataset
DPS	NEMESIS-State	National Emergency Medical Services Information System - State Dataset
DPS	Netmotion	Netmotion
DPS	NETRMS	NETRMS
DAFS	NETWORKSERVICES	Network Services Change Log
AGR	New Communicator Briefing List	New_Communicator_Briefing_List.mdb
DHHS	NEWBRN SCRIN	Newborn Screening
AGR	NEWfarmersmarkets	NEWfarmersmarkets.mdb
DOL	NextGen	NextGen (replacement for ORSIS system)
TREASURY	NEXTGEN_CD AUCTION	Treasurer's Next Generation CD Auction
DHHS	NF TRANSFERS	Nursing Facility Transfers
DHHS	NNEPCC	Northern New England Poison Control Center
US DOC	NOAA NWS	NOAA - National Weather Service - Maine Weather Data
DEP	NON_HAZ_WASTE_XPORT	Non-hazardous Waste Transporters
DHHS	Non_RA_RPT	Non-RA Generated Reports
DOL	NonMon	NonMon
DHHS	NorDX	NorDX Labs
SOS	NOT. PUB. COMMISS. RENEW	Notary Public Commission Renewal
SOS	NOTARY & DEDIMUS SRCH	Notary and Dedimus Justice Search
DEP	NPDES BILL	NPDES Billing
DEP	NPS TMDL	NPS TMDL Progress
DEP	NRPA SITE	Site/NRPA Licensing System (NRPA/Site)
DHHS	NS Extract	Newborn Screening Extrac
CBP	NURSE LIC. RENEW	Nursing License Renewal
PFR	NURSEWEB	Nursing Web Interface
AGR	Nutrient Management Grants	Nutrient Management Grants.mdb
AGR	Nutrient Mgt	Nutrient Mgt.mdb
AGR	Nutrient Mgt Data	Nutrient Mgt Data.mdb
DHHS	OASIS	Outcome Assessment Information Set
DEP	OBD/RESCOM	OverBoard Discharge Licensing Database (RESCOM)
DEP	OBD_MUNICIP	OverBoard Discharge Municipalities
DEP	OBD_REMOVALS	OverBoard Discharge Removal
DOT	OBDS	Official Business Directory Signs
DOT	OBI Data Warehouse	OBI Data Warehouse
DHHS	OCFS Letters Log	Office of Child and Family Services Constituent Services Database
DHHS	OCFS WEBSITE	Office of Child and Family Services Performance Measure Database for Child Care
MSL	OCLC	International shared cataloging database
DHHS	OCR-MIP	Optical Character Reader - Maine Immunization Program
DEP	OCS	Oil Conveyance System (OCS) / Transporter Information
DHHS	ODRVS	Office of Data, Research, & Vital Statistics - ODRVS
DAFS	OEM	Oracle Environment Management
DAFS	OEMS	Oracle Environment Management
DHHS	OES EVENT	OES Event Log
CORR	Offender Search Site	Offender Search Site
DHHS	OHP Sealant	Oral Health Program Sealant Application
DAFS	OIT PLS	Property Location Survey
DHHS	OMS INTERNET	Office of MaineCare Services Internet Portals
DOT	OneWorld	OneWorld / now Oracle Enterprise One
DHHS	Online Water test	Online Water test Kit Service
DEP	OOS TRAVEL	Out of State Travel

DOL	ORBIT_DOL	Original Records by Imaging Technology
DHHS	ORBIT_IMAGING_DHHS	Original Records by Imaging Technology
PFR	ORBIT_IMAGING_PFR	Original Records by Imaging Technology
SOS	ORGAN_DONOR_REG.	Organ Donor Registry
AGR	Organic_Certification	Organic Certification.mdb
CORR	Orientation	Orientation
DOL	ORSIS	Office of Rehabilitation Services Information System
DHHS	OSA Internet	Office of Substance Abuse Internet presence
DHHS	OSA PMS	OSA Provider Management System
DHHS	OSA SDFS	OSA Safe and Drug Free Schools
DHHS	OSA TDSR	TDS Web-based Reporting System
DOL	OSQS	One-Stop Operating System
DAFS	OSP	Oracle Status Page (Public)
DAFS	OSPA	Oracle Status Page Admin
MSL	Overdrive	Overdrive
SOS	OVERLIMIT PERMIT	Overlimit Permit
DHHS	QVS2	Online Verification System
DEP	OZONE_PM&MET	Ozone PM and Meteorological Data
DOE	P100	Annual Payments of State and Federal Funds to School Administrative Units
CONS	Parks & Lands	Parks & Lands Search
DHHS	PathConnect	Pathology Management and Reporting
DPS	Pathlore	Pathlore
DEP	PATS	Project Accounts Tracking System (PATS)
DEP	PAYMNT_NET	Payment Net
INFORME BOARD	PAYPORT	Payport
Judicial	PAYTIXX	PAYTIXX
Judicial	PAYTIXX_IVR	PAYTIXX IVR
DEP	PBR	Permit by Rule (PBR)
DEP	PC-CEMS	PC-Continuous Emission Monitoring System (PC-CEMS)
DHHS	PCG	Public Consulting Group
DEP	PCS	Permit Compliance System (PCS)
DEP	PEARL	Public Educational Access to Resources on Lakes (PEARL)
ARTS COMM	Pearl - Maine Arts	Pearl - Maine Arts
Pearson Vue	PEARSON_VUE	PEARSON VUE
US DHHS	PEMS	Program Evaluation and Monitoring System
ETHICS	Penalty Payments	Penalty Payments
CONS	People	Bureau of Parks & Lands Personnel Tracking System
DPS	PERSONNEL	PERSONNEL
AGR	Pesticide Linked Tables	Pesticide Linked Tables.mdb
AGR	Pesticides	Pesticides.MDB
DHHS	PHN_DB	Public Health Nursing Database
DHHS	PHN Referent Survey	Public Health Nursing Referent Survey
AGR	Phytosanitary_Certificates_Grain-Potatoes	Phytosanitary Certificates Grain-Potatoes.mdb
DHHS	PIN_MAINT	Pin Maintenance Database
CORR	Plato	Plato
MSL	Playground.mdb	Playground.mdb
DPS	PMDC	Premier MDC
DHHS	PMP	Prescription Monitoring Program
DHHS	PMS	Provider Management System
DHHS	PNMI TRANSFERS	Private Non Medical Institution Transfers
DEP	PO_FILE_AIR_CMRO	Purchase Order File - for Air CMRO
AGR	POISON	POISON.MDB
DOT	PONTIS	PONTIS
AGR	Pool_Spa_Data	Pool_Spa_Data.mdb
CORR	Population Projections	Population Projection
CORR	Portal DOC	Portal DOC
DHHS	PRAMS **	Pregnancy Risk Assessment Monitoring System Statistical File
DEP	PRE_APP	Pre-application
DAFS	Premium Billing	EHB Dental and Vision Billing System
DHHS	PRIOR_AUTH	Prior Authorization Application / Reporting Subsystem
PFR	PROF_LIC_RENEW	Professional License Renewal
DPS	Professional Values	Professional Values
DEP	PROJ_REVIEW	Project Review
DEP	PROJ_STAT	Project Status
CONS	Project Canopy	Project Canopy People/Client
CORR	Projects OIT-DOC	Projects OIT-DOC
DOT	Projex	Projex
DOL	ProLaw	ProLaw
DAFS	ProLease	ProLease
Prometric	PROMETRIC	PROMETRIC
DOT	PROMIS	PROMIS
DEP	PUBBUY	PubBuy
DEP	PUBL_TRACK	Publication Tracking Database - for Land and Water
DAFS	Public Improvement Project Application	Bureau of General Services Public Improvement Project Application
CONS	Public Use	Park Public Use Tracker
AGR	pubMail2003	pubMail2003.mdb
MPUC	PUC	Public Utilities Commission+
AGR	Pull-Supers	Pull-Supers.mdb
MSL	pulling_slips.mdb	pulling_slips.mdb
DHHS	PULSENET	PULSENET
DEP	PUMPOUTS	Pumpouts
DHHS	Purch_Serv	Purchased Services Systems / Processes
AGR	QA Licensing	QA Licensing.mdb
AGR	QA Licensing Data	QA Licensing Data.mdb
AGR	QA Licensing-2000.mde	QA Licensing-2000.mde
DEP	QA_SYS	Quality Management System
DAFS	QAS	Experian QAS
DAFS	Quickbase LMS	Quickbase LMS
DAFS	Quickbooks	Quickbooks
DHHS	Rad_Mat	Radioactive Materials
DPS	Radar_Calibration	Radar Calibration
DOT	Radio Room Sign Controller	Radio Room Sign Controller
DOT	Radio Room Video cameras	Radio Room Video cameras
DOT	radiolog	radiolog
DHHS	Radon_DB	Radon DB
DHHS	RADON LABS	RADON LABORATORIES
DHHS	RADON MIT	Radon Mitigators

SOS	RAPID RENEWAL	Rapid Renewal Auto Registration Renewal
DHHS	Rate Letter NH	Generates casemix rate letters for nursing homes.
DHHS	Rate Letter PNMI L4	Rate Letter Application for PNMI Level 4 Residential Care Facilities
DHHS	Rate Setting Unit	Rate Setting Unit
DHHS	RCA ALS	Residential Care / Assisted Living Data Management for MDS
US EPA	RCRAInfo	RCRAInfo
DAFS	RECEIVING REPORTS	Receiving Reports
DOT	Recurring High Crash Locs	Recurring High Crash Locs
MSL	RefUSA	RefUSA
AGR	registrar 2	registrar 2.mdb
DOE	Reporting Portal	Reporting Portal
AGR	Requests for Aps-current	Requests for Aps-current.mdb
DEP	RESCOM_MAIL	RESCOM mailing
DAFS	Retiree Health Insurance Billing	Retiree Health Insurance Billing
DOT	Right Of Way Plans Index	Right Of Way Plans Index
DAFS	RMD_RMIS	Risk Management Information System
DOT	RMS	Realty Management System
DHHS	RMTS	Random-Moment-Time Study
AGR	Rolodex	Rolodex.mdb
DEP	RSA	RSA
DAFS	RSA_SECUREID	RSA Secure ID Database
DOT	RSMS	Road Surface Management System
DEP	RULETRACK	RULETRACK
DHHS	SA	Schaller-Anderson
DHHS	SA_DATA_EXPORTS	SA(Schaller-Anderson) Data Exports
DPS	SafetyNet	SafetyNet
DVEM	Salamander	ID Centry
AGR	Sales&Use_Database	Sales&Use_Database.mdb
DEP	SALMON PEN	Salmon Pen Data
DEP	SALMON RIVERS	Salmon Rivers
DMR	Salt Water Reg	Salt Water Registry
DHHS	SAMS	Support Acquisition and Maintenance System
DHHS	SAMS2000	Social Assistance Management System v 2000
DOT	Sand/Salt Spread monitor	Sand/Salt Spread monitor
DEP	SAND & SALT	Sand and Salt Pile Database
DEP	SCHED_TRK_CS0	Schedule Tracking - for CSO
DHHS	SCHIPS_Elig	SchIPS - Eligibility Report
DHHS	SCHIPS_Perform	SchIPS - Performance Measure
DHHS	SCHOOL BASED SCREENING	School-Based Screening
DHHS	SCSEP	Senior Community Service Employment Program Website
DHHS	SDWIS	Safe Drinking Water Information System
DHHS	SecurID	SecurID DB for DHHS employees
DEP	SecurID	SecurID
Securities_Biue	Securities Biue Express	Securities Biue Express
CORR	Security - CORR	Security CORR
DEP	SEFA RPT	SEFA Report
AGR	SeniorHousing706	SeniorHousing706.mdb
DAFS	SERVER BILLING	OIT Server Billing Application
DAFS	SERVER INVENTORY	OIT Server Inventory Application
DPS	Sex Offend Ver.	Maine Sex Offender Verification Service, Law Enforcement
DPS	Sex Offender Registry	Maine Sex Offender Registry Online Search Service
AGR	SFDL Testing Window 2000	SFDL Testing Window 2000.mdb
DOE	SFS	School Food System
DEP	SHARED_WKBKS	Shared workbooks
DOT	SHEDSS	Safety, Health, Environmental Data SS
AGR	ShellEgg-Forms	ShellEgg-Forms.mdb
AGR	ShellEgg-Tables	ShellEgg-Tables.mdb
DEP	SHOR_ZON	Shoreland Zoning Database
MPUC	SID	Secure Infrastructure Database
DAFS	SIMPLE DATA XFER TOOL	Simple Data Transfer Tool
DOT	SIMS	Sign Inventory Management System
DEP	SITE DEV LAW PROJ	Site Development Law Projects Spreadsheet - for SMRO
DOT	Six Year Bridge Database	Six Year Bridge Database
DEP	SM_COMM_GRNT_TRK	Small Community Grant Tracking Database
DEP	SM_STRM_EVAL	Small Stream Evaluation
AGR	SMART-April 24,2006	SMART-April 24,2006.mdb
DEP	SMARTLINK	Smartlink
DOE	SMFS	Facilities Software
AGR	SOD	SOD.mdb
SOS	SOS	Secretary of State Systems
DAFS	Speakup	Speakup
DPS	Sprinkler - Licensing	Sprinkler - Licensing
DPS	Sprinkler - Permitting	Sprinkler - Permitting
MSPO	SPWM	Waste Management
DOL	SSA Verification	SSA Verification
DHHS	SSI Children	SSI Children
DHHS	SSI INTERIM	SSI Interim Payment Calculation
DEP	SSTS	Spill Site Tracking System (SSTS)
CORR	Staff Training	DOC Staff Training
DEP	STAFF_DIRECT	Staff Directories
DEP	STAGE II GAS STA	Stage II Gas Station Testing
DHHS	STARLIMS Env	STARLIMS Laboratory Information Management System v 9.0
DHHS	STARLIMS Micro	STARLIMS Laboratory Information Management System v 10.0 (Clinical)
DPS	Statute Search	DPS Statute Search
DHHS	STD-MIS	STD-MIS STD Management Information System
DEP	STEM	Stack Testing / Emissions Monitoring Database
DPS	Sticker Allocation	Sticker Allocation
DPS	Sticker Scan	Sticker Scan
DEP	STORET	STORET Database (STOre and RETrieve)
DEP	STORMWTR MUNIC SRUV	Stormwater - Municipal Survey
DEP	STORMWTR PUB WRKS SRUV	Stormwater - Public Works Survey
DEP	STR_ALGAE SAMPL	Stream Algae Sampling
DHHS	StreamWeaver	StreamWeaver
SOS	STUD. MOCK ELECT. TRK	Student Mock Election Results Tracking System
CONS	Stumpage	Public Lands Tree Harvest Tracker
CONS	SubLands	SubLands
DHHS	Substantiation	Substantiation

DHHS	SURS Lock In	Surveillance and Utilization Review Unit Data
DOT	Survey Control Points	Survey Control Points
DOT	Survey Photo Index	Survey Photo Index
PFR	SURVEYS	PFR, Bureau of Insurance Survey Application
DEP	SW_TIME_TRACK	Time Tracking System - for Solid Waste
DEP	SWAT	SWAT Toxicology Spreadsheets (SWAT)
DEP	SWF	Solid Waste Facility License Billing (SWF)
DAFS	SWIMS_CORE	SWIMS Current Observations & Realtime Events
DAFS	SWIMS_ENS	Statewide Incident Monitoring - Emergency Notification System
TREASURY	TAMI	Treasury Automated Management Information System
DAFS	TAMS	Time and Attendance Management System
DEP	TANKS	TANKS
DEP	TankSmart	TankSmart - DEP
DHHS	TANNING ESTABLISHMENTS	Tanning Establishments
CORR	Taut Wire	Security - Taut Wire
DAFS	Tax Registration Service	Sales & Use, Withholding and Service Provider Tax Registration Service
DOL	Taxzilla	Taxzilla
DHHS	TD BankNorth	TD BankNorth
DHHS	TDS	Treatment Data System
AGR	TEC	TEC- Total Environmental Control
DEP	TECH_ASSURE	Technical Assistance Spreadsheets
DOT	TEDOCS	TEDOCS
AGR	tefap_app	tefap_app.mdb
AGR	TefapinvSQL	TefapinvSQL.mdb
DAFS	Telco Billing	Telco Billing
DAFS	Telco Cable Pairs	Telco Cable Pairs
DOT	Thumbs Plus	Thumbs Plus
DEP	THWRP_DB	Toxics and Hazardous Waste Reduction Program Database (THWRP)
DOT	TIDE	TIDE
DOT	TIDE: Route Log Mile filter	TIDE: Route Log Mile filter
DHHS	TimeTrak_DHHS	TimeTrak
DOT	TIMS & TinyTIMS	TIMS & TinyTIMS
DHHS	TLC	The Library Corporation
AGR	Town Ordinance	Town Ordinance.mdb
DEP	TOXSCAN	Toxscan
DHHS	TPL	Third Party Liability Unit Systems
DHHS	TPL**	Third Party Liability Extract
DEP	Track2	Air Facility Tracking Database (Track2)
DOL	Tracker_DOL	Tracker SSA Reimbursement System
AGR	TradeShows	TradeShows.mdb
DOT	Traffic Data Analysis	Traffic Data Analysis
SOS	TRAILER REG RENEWAL	Statewide Trailer Registration Renewal
DHHS	Training Stipend	Training Stipend
CORR	Traverse	Traverse
AGR	TriState Splits Database	TriState Splits Database.mdb
DEP	TRK_PMNTS	Track Payments
DOT	Trns*Port	Trns*Port
DOT	TROUT - Traffic Flow Tool	TROUT - Traffic Flow Tool
DHHS	TURBO LIBERTY ENTRY	Turbo Liberty Entry Application
DOL	UC TAX	Unemployment Compensation Tax System
DOL	UC Wage	Unemployment Compensation Wage
SOS	UCC AUTH. SVC.	UCC Authentication Service
SOS	UCC DEBTOR NM SRCH.	UCC Debtor Name Search
SOS	UCC FILING	UCC Filing
SOS	UCC SEARCH	UCC Search
DPS	UCR	Uniform Crime Reporting
DOL	UI Benefits	Unemployment Compensation Benefits System
DEP	UIC Database	Underground Injection Control Database (UIC)
UM_O	UM_O	University of Maine at Orono Systems
TREASURY	UNCLAIMED PROPERTY HOLDER REPORT	Unclaimed Property Report
TREASURY	UNCLAIMED PROPERTY SEARCH & CLAIM	Unclaimed Property Search & Claim
AGR	Uncle Henry's Breeder Tracking	Uncle Henry's Breeder Tracking.mdb
SOS	UNIFIED CARRIER REG.	Unified Carrier Registry
AGR	UPDATED MECHAP	UPDATED MECHAP.MDB
AGR	UpdatedObsoletes	UpdatedObsoletes.mdb
DHHS	UR_RP	Utilization Reports
DEP	URB_STRM_PROJ	Urban Stream Projects
DOT	URIP	URIP
US DHHS	US DHHS-CDC (Epath)	E-Path Pilot Project
US DHHS	US- DHHS (FPLS-FCR)	Federal Parent Locator Service - Federal Case Registry
US DHHS	US- DHHS (QUICK)	Query Interstate Cases for Kids
US DA	US-DA (DRS)	Disqualified Recipients (Food Stamps) Subsystem
US DHHS	US-DHHS (AFCARS)	Adoption and Foster Care Analysis and Reporting System
US DHHS	US-DHHS (NAPIS)	National Aging Program Information Systems
US DHHS	US-DHHS (NCANDS)	NATIONAL CHILD ABUSE AND NEGLECT DATA SYSTEM
US DHHS	US-DHHS (PARTS)	Public Assistance Reporting Information System
US DHHS	US-DHHS (SAVES)	Systematic Alien Verification of Eligibility System
US DHHS	US-DHHS (STAR_SI)	Strengthening Treatment Access and Retention (STAR) program
US DHHS	US-DHHS-ACF	Administration for Children and Families Systems
US DHHS	US-DHHS-ACF (CSENet)	Child Support Enforcement Network
US DHHS	US-DHHS-ACF(QUICK)	Query Interstate Cases for Kids
US DHHS	US-DHHS-CDC	US Centers for Disease Control Systems
DHHS	US-DHHS-CDC (E-HARS)	HIV/AIDS Reporting System
US DHHS	US-DHHS-CDC (EHDI)	Early Hearing Detection & Intervention
US DHHS	US-DHHS-CDC (Metabolic Program)	Metabolic Program
DHHS	US-DHHS-CDC (NCBDDD)	National Center on Birth Defects and Developmental Disabilities
US DHHS	US-DHHS-CDC (NCHS) MICAR	NCHS Mortality Medical Indexing, Classification and Retrieval
US DHHS	US-DHHS-CDC (NEDSS)	National Electronic Disease Surveillance System
US DHHS	US-DHHS-CDC (NETSS)	National Electronic Telecommunications System for Surveillance
US DHHS	US-DHHS-CDC (NRDM)	National Retail Disease Monitoring
US DHHS	US-DHHS-CDC (PRAMS)	Pregnancy Risk Assessment Monitoring System
US DHHS	US-DHHS-CDC (TIMS)	Tuberculosis Information Management System
US DHHS	US-DHHS-CDC NIOSH (TOXICALL)	TOXICALL
US DHHS	US-DHHS-CDC-NIOSH (TESS)	US-DHHS-CDC-NIOSH - TESS DB
US DHHS	US-DHHS-CMS	Centers for Medicare & Medicaid Services Systems
US DHHS	US-DHHS-CMS (BEST)	Beneficiary Eligibility State Tape
US DHHS	US-DHHS-CMS (COBA)	Coordination of Benefits Agreement (FEED)


US DHHS	US-DHHS-CMS (SchIPS)	State Childrens' Health Insurance Program
US DHHS	US-DHHS-HRSA (Ryan White)	Ryan White HIV/AIDS Program
US DOC	US-DOC (CENSUS)	Census Bureau - US
US DOL	US-DOL (BLRS)	US Department of Labor - Bureau of Labor Statistics Systems
US DOT	US-DOT (CODES)	Crash Outcomes Data Evaluation System
US EPA	US-EPA	Environmental Protection Agency - US
US NRC	US-NRC	US Nuclear Regulatory Commission
US SSA	US-SSA	Social Security Administration
US DHHS	US-SSA (BENDEX)	BENefit Data Exchange - SSA
US SSA	US-SSA (SDX)	Standard Data eXchange SSA
US TREAS	US-TREAS (FMS)	Financial Management Service -
US Treasury Dept.	US-TREAS (IRS)	Internal Revenue Service
US TREAS	US-TREAS-FMS (OFFSETS)	US Department of the Treasury Systems
AGR	usdamainfile	usdamainfile.mdb
US Interior	USGS National Water Information System	USGS - National Water Information System
UM_Muskie	USM_MUSKIE	Muskie School of Public - University of Southern Maine Systems.
DOT	Utility Coordination	Utility Coordination
DHHS	Vacancy List	Vacancy List
DHHS	VACMAN	Vaccine Management System
SOS	VANITY PLATE SRCH & ORD	Vanity Plate Search & Order
DPS	Vehicle Search	Vehicle Search
MUSEUM	VERNON	VERNON
DVEM	Vet_Cem_DB	Veterans Cemetery Database
CORR	Video Conferencing	Video Conferencing
CORR	Video Surveillance	Security - Video Surveillance Systems
DPS	VinAssist	VinAssist
DHHS	VIPRS	Very Intelligent Payment Recognition System
DOT	VisiWeb	VisiWeb
DHHS	VitalChek	VitalChek
DHHS	Voc Rehab	Voc Rehab
DEP	VOL_MONIT_PROGR	Volunteer Monitoring Program
MSPO	VolunteerMaine.org	Internet Resource for Volunteers and Program Staff
SOS	VOTER INFO LU SVC	Voter Information Lookup Service
DHHS	VRU	Voice Response Unit - DSER
DEP	WASTEW_OP TRNING EVENTS	Wastewater Operator Training Events
DEP	WASTEW_PERM_PROG	Wastewater Permit Progress Database
DEP	WATER_CHEM_PROTOTPE	Water Chemical Prototype
AGR	WaterQuality	WaterQuality.mdb
DEP	WATERSHED_SURV	Watershed Survey
DEP	WCS	Wastewater Compliance System (WCS)
DPS	Weather	Weather
DOL	WEBCC	Maine Continued Claims System (Web)
DVEM	WebEOC	Emergency Operations Management (Center)
DOL	WEBINQ	Unemployment Benefits Inquiry
DAFS	WEBMASTER ONLINE DIR. SYS.	Webmaster Online Directory System
DAFS	WebShop	WebShop
DHHS	WELFRE	WELFRE
DHHS	WELL HEAD	Well Head Data
DEP	WETLANDS	Wetlands
DEP	WETLANDS BIOMON	Wetlands Biomonitoring Website
MSL	What's New	What's New
INFORME BOARD	WHAT'S NEW	What's New Content Management Tool
AGR	WhBuyersGuide2003	WhBuyersGuide2003.mdb
DOL	WIA AdHoc	OSOS/Adhoc database for WIA clients
DHHS	WIC	Maine Women's, Infants, Children's Nutrition Program MIS System
DHHS	WIC Banking	WIC Banking Intermediary
DHHS	WIC Vendor Info	WIC online Vendor Information System
DHHS	WicWeb	WIC Web
DOL	Win_202	Win_202
DOT	WiseCrax	WiseCrax
WKR COMP	WKR_COMP	Workers Compensation System
DEP	WLTS	Wetland Loss Tracking System (WLTS/AIS)
CORR	Wonderware	Wonderware
CONS	Wood Processor	Wood Processor Report/Mill List
DOL	Woods	Woods
CONS	WoodsWise	Incentives to Stewardship Enhancement
DOL	Workload	Workload
DAFS	Workshare	Workshare
AGR	WPS	WPS.MDB
AGR	WPSTAPES	WPSTAPES.MDB
DEP	WW_TREAT_PLNT_OP_CERT	Wastewater Treatment Plant Operator Certification Database
DEP	XEN NODE	XEN NODE
DEP	XFER_OUT	Petroleum Product Refund Spreadsheet - for product transferred out of ME
DHHS	XRAY MACH	X-Ray Machines

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Tool	Version	Brick	Domain	Status
Oracle	All Except as Noted	Database Management System	Data Services	Containment Targets
Sql	All	Database Management System	Data Services	Containment Targets
Toad	All Except as Noted	Database Tools	Applications Development	Containment Targets
FootPrints	8.0	Issues Tracker	Commodity Applications	Baseline Technology
Cybermation	D Series Unix	Job Scheduler	Commodity Applications	Containment Targets
CICS	All	Programming/Scripting/ Markup Languages	Applications Development	Retirement Targets
Java	All	Programming/Scripting/ Markup Languages	Applications Development	Containment Targets
Java - IBM WebSphere	All	Programming/Scripting/ Markup Languages	Applications Development	Containment Targets
Perl	All Except as noted	Programming/Scripting/ Markup Languages	Applications Development	Containment Targets
XML	All Except as noted	Programming/Scripting/ Markup Languages	Applications Development	Containment Targets
Word	All	Project Documentation	Applications Development	Containment Targets
Easytrieve Plus	All	Reporting (or Business Intelligence, or Online Analytical Processing) Tools	Data Services	Containment Targets
Dimensions Express (Merant PVCS)	All	Software Configuration Management	Applications Development	Containment Targets
Textpad	All	Text Editor (Placeholder)	Applications Development	Containment Targets

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Including Subcommittee recommendations made September 27, 2010; October 18, 2010; and November 4, 2010

Revised 11/17/10

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
1	22	17	7	Title 22, section 17, subsection 7, relating to records of child support obligors	DHHS	<ul style="list-style-type: none"> Confidentiality required by federal law as a condition of federal funding No changes 	11/4: no change	
2	22	42	5	Title 22, section 42, subsection 5, relating to DHHS records containing personally identifying medical information	DHHS	<ul style="list-style-type: none"> Protects sensitive identifying medical info, although some exceptions for research and relatives Maine Cancer Registry supports No changes 	11/4: no change	
3	22	261	7	Title 22, section 261, subsection 7, relating to records created or maintained by the Maternal and Infant Death Review Panel	DHHS	<ul style="list-style-type: none"> Protects sensitive identifying information, often concerning deceased and other family members No changes 	11/4: no change	

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4	22	664	1	Title 22, section 664, subsection 1, relating to State Nuclear Safety Program facility licensee books and records	DHHS	<ul style="list-style-type: none"> Confidentiality required by federal law involving national security and defense No changes 	11/4: no change	
5	22	666	3	Title 22, section 666, subsection 3, relating to the State Nuclear Safety Program concerning the identity of a person providing information about unsafe activities, conduct or operation or license violation	DHHS	<ul style="list-style-type: none"> Confidentiality required by federal law involving national security and defense No changes 	11/4: no change	
6	22	811	6	Title 22, section 811, subsection 6, relating to hearings regarding testing or admission concerning communicable diseases	DHHS	<ul style="list-style-type: none"> Protects sensitive identifying information relating to communicable diseases which might be especially stigmatizing No changes 	11/4: no change	

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7	22	815	1	Title 22, section 815, subsection 1, relating to communicable disease information	DHHS	<ul style="list-style-type: none"> Protects sensitive identifying information relating to communicable diseases which might be especially stigmatizing No changes 	11/4: no change	
8	22	824		Title 22, section 824, relating to persons having or suspected of having communicable diseases	DHHS	<ul style="list-style-type: none"> Protects sensitive identifying information relating to communicable diseases which might be especially stigmatizing No changes 	11/4: no change	

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9	22	832	3	Title 22, section 832, subsection 3, relating to hearings for consent to test for the source of exposure for a blood-borne pathogen	DHHS	<ul style="list-style-type: none"> Protects sensitive identifying information relating to occupational exposure to blood-borne pathogens which might be especially stigmatizing No changes 	11/4: no change	
10	22	1064		Title 22, section 1064, relating to immunization information system	DHHS	<ul style="list-style-type: none"> protects sensitive identifying medical information, protection promotes parent's willingness to agree to immunization No changes 	11/4: no change	

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11	22	1065	3	Title 22, section 1065, subsection 3, relating to manufacturer and distributor reports on distribution of influenza immunizing agents	DHHS	<ul style="list-style-type: none"> Enacted in a time of vaccine shortage but current data is not reliably reported and so cannot be used with confidence CAN DELETE 	11/4: REPEAL Sub-§3 or all	
12	22	1233		Title 22, section 1233, relating to syphilis reports based on blood tests of pregnant women	DHHS	<ul style="list-style-type: none"> Protects sensitive identifying medical information in a vulnerable population relating to infections that might be especially stigmatizing; data protection promotes better public health, especially that of newborns No changes 	11/4: no change	

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	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
13	22	1317-C	3	Title 22, section 1317-C, subsection 3, relating to information regarding the screening of children for lead poisoning or the source of lead exposure	DHHS	<ul style="list-style-type: none"> privacy protection encourages parents to have children tested routinely; but it also helps correct problems in the housing market; might prevent some landlords from discriminating against families with children who have positive lead tests; might be especially stigmatizing No changes 	11/4: no change	

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14	22	1494		Title 22, section 1494, relating to occupational disease reporting	DHHS	<ul style="list-style-type: none"> Protects sensitive identifying medical information and thereby encourages full reporting to contribute to the safety of workplaces in Maine No changes 	11/4: no change	
15	22	1555-D	1	Title 22, section 1555-D, subsection 1, relating to lists maintained by the Attorney General of known unlicensed tobacco retailers	DHHS		11/4: tabled	

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16	22	1596		Title 22, section 1596, relating to abortion and miscarriage reporting	DHHS	<ul style="list-style-type: none"> Protects sensitive identifying medical information in a subject area where public opinions are highly charged and often confrontational, might be especially stigmatizing in some families and some communities due to religious issues No changes 	11/4: no change	

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17	22	1597-A	6	Title 22, section 1597-A, subsection 6, relating to a petition for a court order consenting to an abortion for a minor	DHHS	<ul style="list-style-type: none"> Protects sensitive identifying medical information in a subject area where public opinions are highly charged and often confrontational, might be especially stigmatizing in some families and some communities due to religious issues No changes 	11/4: no change	
18	22	1696-D		Title 22, section 1696-D, relating to the identity of chemical substances in use or present at a specific location if the substance is a trade secret	DHHS		11/4: tabled	

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19	22	1696-F		Title 22, section 1696-F, relating to the identity of a specific toxic or hazardous substance if the substance is a trade secret	DHHS		11/4: tabled	
20	22	1711-C	2	Title 22, section 1711-C, subsection 2, relating to hospital records concerning health care information pertaining to an individual	DHHS		11/4: tabled	
21	22	1828		Title 22, section 1828, relating to Medicaid and licensing of hospitals, nursing homes and other medical facilities and entities	DHHS		11/4: tabled	
22	22	1848	1	Title 22, 1848, subsection 1, relating to documents and testimony given to Attorney General under Hospital and Health Care Provider Cooperation Act	OAG		11/4: tabled	
23	22	2153-A	1	Title 22, section 2153-A, subsection 1, relating to information provided to the Department of Agriculture by the US Department of Agriculture, Food Safety and Inspection Service	AG	<ul style="list-style-type: none"> • Necessary to receive info from US Dept. of Agr about tainted food and recalls • Not cited to deny FOA request • No changes 	10/18: no change	

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24	22	2153-A	2	Title 22, section 2153-A, subsection 2, relating to information provided to the Department of Agriculture by the US Food and Drug Administration	AG	<ul style="list-style-type: none"> • Necessary to receive info from USFDA about tainted food and recalls • Cited once to deny FOA request • No changes 	10/18: no change	
25	22	2425	8	Title 22, section 2425, subsection 8, paragraph A, relating to information submitted by qualifying and registered patients under the Maine Medical Use of Marijuana Act	DHHS		11/4: no changes	
26	22	2425	8	Title 22, section 2425, subsection 8, paragraph B, relating to information submitted by primary caregivers and physicians under the Maine Medical Use of Marijuana Act	DHHS		11/4: no changes	
27	22	2425	8	Title 22, section 2425, subsection 8, paragraph C, relating to list of holders of registry identification cards under the Maine Medical Use of Marijuana Act	DHHS		11/4: no changes	

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28	22	2425	8	Title 22, section 2425, subsection 8, paragraph F, relating to information contained in dispensary information that identifies a registered patient, the patient's physician and the patient's registered primary caregiver under the Maine Medical Use of Marijuana Act	DHHS		11/4: no changes	
29	22	2425	8	Title 22, section 2425, subsection 8, paragraph G, relating to information that identifies applicants for registry identification card, registered patients, registered primary caregivers and registered patients' physicians under the Maine Medical Use of Marijuana Act	DHHS		11/4: no changes	
30	22	2425	8	Title 22, section 2425, subsection 8, paragraph J, relating hearing on revocation of a registry identification card under the Maine Medical Use of Marijuana Act unless card is revoked	DHHS		11/4: no changes	

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31	22	2698-A	7	Title 22, section 2698-A, subsection 7, relating to prescription drug marketing costs submitted to the Department of Health and Human Services	DHHS	<ul style="list-style-type: none"> Helps predict costs Wouldn't share if released to competitors No changes 	11/4: no change	
32	22	2698-B	5	Title 22, section 2698-B, subsection 5, relating to prescription drug information provided by the manufacturer to the Department of Health and Human Services concerning price	DHHS	<ul style="list-style-type: none"> Helps predict costs Wouldn't share if released to competitors No changes 	11/4: no change	
33	22	2706	4	Title 22, section 2706, relating to prohibition on release of vital records in violation of section; recipient must have "direct and legitimate interest" or meet other criteria	DHHS		11/4: tabled	
34	22	2706-A	6	Title 22, section 2706-A, subsection 6, relating to adoption contact files	DHHS		11/4: tabled	
35	22	2769	4	Title 22, section 2769, subsection 4, relating to adoption contact preference form and medical history form	DHHS		11/4: tabled	
36	22	3022	8, 12, 13	Title 22, section 3022, subsections 8, 12 and 13, relating to medical examiner information	OAG		11/4: tabled	

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37	22	3034	2	Title 22, section 3034, subsection 2, relating to the Chief Medical Examiner missing persons files	OAG		11/4: tabled	
38	22	3188	4	Title 22, section 3188, subsection 4, relating to the Maine Managed Care Insurance Plan Demonstration for uninsured individuals	DHHS		11/4: tabled	
39	22	3192	13	Title 22, section 3192, subsection 13, relating to Community Health Access Program medical data	DHHS		11/4: tabled	
40	22	3474	1	Title 22, section 3474, subsection 1, relating to adult protective records	DHHS	<ul style="list-style-type: none"> • Medical/psychiatric, HIV and substance abuse information, protected by federal law • Release likely to endanger incapacitated and vulnerable adults • No changes 	11/4: no change	

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41	22	3762	3	Title 22, section 3762, subsection 3, relating to TANF recipients	DHHS	<ul style="list-style-type: none"> Confidentiality required by federal law as a condition of federal funding No changes 	11/4: no change	
42	22	4007	1-A	Title 22, section 4007, subsection 1-4, relating to a protected person's current or intended address or location in the context of child protection proceeding	DHHS	<ul style="list-style-type: none"> Confidentiality required by federal law as a condition of federal funding No changes 	11/4: no change	
43	22	4008	3-A	Title 22, section 4008, subsection 3-A, relating to the child death and serious injury review panel	DHHS	<ul style="list-style-type: none"> Confidentiality required by federal law as a condition of federal funding No changes 	11/4: no change	
44	22	4008	1	Title 22, section 4008, subsection 1, relating to child protective records	DHHS		11/4: tabled	
45	22	4008	3-A	Title 22, section 4008, subsection 3-A, relating to records of child death and serious injury review panel	DHHS		DUPLICATE OF 43	

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46	22	4018	4	Title 22, section 4018, subsection 4, relating to information about a person delivering a child to a safe haven	DHHS	<ul style="list-style-type: none"> Confidentiality required by federal law as a condition of federal funding No changes 	11/4: no change	
47	22	4021	3	Title 22, section 4021, subsection 3, relating to information about interviewing a child without prior notification in a child protection case	DHHS	<ul style="list-style-type: none"> Confidentiality required by federal law as a condition of federal funding No changes 	11/4: no change	
48	22	4087-A	6	Title 22, section 4087-A, subsection 6, relating to information held by or records or case-specific reports maintained by the Child Welfare Ombudsman	CWO	<ul style="list-style-type: none"> Confidentiality required by federal law as a condition of federal funding No changes 	11/4: no change	

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49	22	4306		Title 22, section 4306, relating to general assistance	DHHS	<ul style="list-style-type: none"> Records include sensitive financial, medical, disability and family composition information that might unduly stigmatize those receiving public assistance No changes 	11/4: no change	
50	22	5328	1	Title 22, section 5328, subsection 1, relating to community action agencies records about applicants and providers of services	DHHS	<ul style="list-style-type: none"> Confidentiality required by federal law as a condition of federal funding No changes 	11/4: no change	

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51	22	7250	1	Title 22, section 7250, subsection 1, relating to the Controlled Substances Prescription Monitoring Program	DHHS	<ul style="list-style-type: none"> • Highly sensitive personal information • Could be used for identity theft or fraudulent prescribing for diversion • No changes 	11/4: no change	
52	22	7703	2	Title 22, section 7703, subsection 2, relating to facilities for children and adults	DHHS	<ul style="list-style-type: none"> • Allows persons who report to feel safe in doing so • Public should have access relevant to person's ability to serve the public but not to personal details irrelevant to business's operations • No changes 	11/4: no changes	

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53	22	8707		Title 22, section 8707, relating to the Maine Health Data Organization	MHDO	<ul style="list-style-type: none"> Data release rules Only two requests, one concerned paying for the data No changes 	10/18: Table - sub-§2 no change; sub-§4 why MHCFC link?	
54	22	8754		Title 22, section 8754, relating to medical sentinel events and reporting	MHDO DHHS		11/4: tabled	
55	22	8824	2	Title 22, section 8824, subsection 2, relating to the newborn hearing program	DHHS		11/4: tabled	
56	22	8943		Title 22, section 8943, relating to the registry for birth defects	DHHS		11/4: tabled	
57	23	63		Title 23, section 63, relating to records of the right-of-way divisions of the Department of Transportation and the Maine Turnpike Authority	MTA & DOT	<ul style="list-style-type: none"> Covers two categories of records Invoked rarely Subject of two Law Court cases, one LD (not enacted) No changes 	11/4: tabled	
58	23	753 A	3, 4, 6	Title 23, section 753 A, subsections 3, 4 and 6, relating to design-build contracts for state highways REPEALED (see §4251)	DOT			

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59	23	1980	2-B	Title 23, section 1980, subsection 2-B, relating to recorded images used to enforce tolls on the Maine Turnpike	MTA	<ul style="list-style-type: none"> • Violation Enforcement System; records license plates only • See 23 §1982 • No changes 	11/4: tabled	
60	23	1982		Title 23, section 1982, relating to patrons of the Maine Turnpike	MTA	<ul style="list-style-type: none"> • Toll violation system, as well as any other records • Comes into play several times a year; never used in litigation in which MTA is a party • No changes 	11/4: tabled	
61	23	4251	10	Title 23, section 4251, subsection 10, relating to records in connection with public-private transportation project proposals of at least \$25,000,000 or imposing new tolls	DOT	<ul style="list-style-type: none"> • Law became effective July 12, 2010 • No experience • No changes 	11/4: tabled	
62	23	8115		Title 23, section 8115, relating to the Northern New England Passenger Rail Authority	NNEPRA		11/4: tabled	

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63	24	2302-A	3	Title 24, section 2302-A, subsection 3, relating to utilization review data provided by nonprofit hospital or medical service organization	BOI	<ul style="list-style-type: none"> No nonprofit hospitals or medical service orgs in Maine No requests No changes 	9/27: no change	
64	24	2307	3	Title 24, section 2307, subsection 3, relating to an accountant's work papers concerning nonprofit hospital or medical service organizations	BOI	<ul style="list-style-type: none"> One nonprofit health care plan in Maine No requests No changes 	9/27: no change	
65	24	2329	8	Title 24, section 2329, subsection 8, relating to alcoholism and drug treatment patient records of nonprofit hospitals and medical service organizations	BOI	<ul style="list-style-type: none"> No nonprofit hospitals or medical service orgs in Maine No requests No changes 	9/27: table - no problem with exception, but check with TRecord about making language consistent 11/4: AMEND language	
66	24	2510	1	Title 24, section 2510, subsection 1, relating to professional competence reports under the Maine Health Security Act	BOI (Board of Licensure in Medicine, the Board of Dental Examiners or	BOI has no role BdLicMed: <ul style="list-style-type: none"> cited 2-3 times per year PROPOSED: clarify 	9/27: table - ask medical licensing boards for input; <i>Consumers for Affordable Health Care</i>	

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					the Board of Osteopathic Licensure)	confidentiality applies to all patient complaints MeHospAssn: ▶ MHA does not administer ▶ Not aware of requests ▶ No changes BdofDentalEx: ▶ No requests ▶ n/a MeMedAssn: ▶ MMA does not administer ▶ Don't know how frequent ▶ No changes	<i>input requested</i> 11/4: Tabled until 2011	
67	24	2510-A		Title 24, section 2510-A, relating to professional competence review records under the Maine Health Security Act	BOI (Board of Licensure in Medicine, the Board of Dental Examiners or the Board of	BOI has no role BdLicMed: ▶ Cited 2-3 times per year ▶ PROPOSED: allow Bd to access peer	9/27: table - ask medical licensing boards for input 11/4: tabled until 2011	

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					Osteopathic Licensure)	review reports MeHospAssn: † Not aware of requests † No changes BdofDentalEx: † No requests † n/a MeMedAssn: † substantial experience † not held by public entities so not subject to FOA † no changes		
68	24	2604		Title 24, section 2604, relating to liability claims reports under the Maine Health Security Act	BOI (Board of Licensure in Medicine, the Board of Dental Examiners or the Board of Osteopathic Licensure)	BOI has no role BdLicMed: † 100-200 times per year † No recommendation (other states allow to be released) BdofDentalEx:	9/27: table - ask medical licensing boards for input 11/4: tabled until 2011	

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						<ul style="list-style-type: none"> ▸ No requests ▸ n/a MedicalMutual: <ul style="list-style-type: none"> ▸ Zero requests ▸ No changes MeMedAssn: <ul style="list-style-type: none"> ▸ MMA does not administer ▸ No changes 		
69	24	2853	1-A	Title 24, section 2853, subsection 1-A, relating to action for professional negligence under the Maine Health Security Act	BOI (Board of Licensure in Medicine, the Board of Dental Examiners or the Board of Osteopathic Licensure) (ME Medical Assoc., ME trial Lawyers Assoc., ME State Bar Assoc.)	BOI has no role <ul style="list-style-type: none"> • Records filed with the Superior Court BdLicMed: <ul style="list-style-type: none"> ▸ Cited 100-200 times per year, but doesn't usually receive court documents ▸ No changes MeHospAssn: <ul style="list-style-type: none"> ▸ Not aware if requests are made to courts ▸ No changes BdofDentalEx:	9/27: table - ask medical licensing boards, Maine Trial Lawyers for input 11/4: tabled until 2011	

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						<ul style="list-style-type: none"> ▸ No requests ▸ n/a MedicalMutual: <ul style="list-style-type: none"> ▸ No direct role in administration ▸ No changes MeMedAssn: <ul style="list-style-type: none"> ▸ MMA does not administer ▸ No changes 		
70	24	2857	1, 2	Title 24, section 2857, subsections 1 and 2, relating to mandatory prelitigation screening and mediation panels	BOI (Board of Licensure in Medicine, the Board of Dental Examiners or the Board of Osteopathic Licensure) (ME Medical Assoc., ME trial Lawyers Assoc., ME State Bar Assoc.)	BOI has no role <ul style="list-style-type: none"> • Records of Screening Panels (Judicial Branch) BdLicMed: <ul style="list-style-type: none"> ▸ Not cited or applied; Bd doesn't receive panel information ▸ No recommendation MeHospAssn: <ul style="list-style-type: none"> ▸ Only partially administer ▸ Not aware about requests ▸ No changes 	9/27: table - ask medical licensing boards, Courts, Maine Trial Lawyers for input 11/4: tabled until 2011	

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						BdofDentalEx: † No requests † n/a MedicalMutual: † No direct role in administration † No changes MeMedAssn: † MMA does not administer † No changes		
71	24	2986	2	Title 24, section 2986, subsection 2, relating to billing for forensic examinations for alleged victims of gross sexual assault	BOI OAG (Victims Comp. Bd.)	<ul style="list-style-type: none"> Bureau has no role 	9/27: no change - But note that records not in hands of public entity	
72	24	2986	3	Title 24, section 2986, subsection 3, relating to District Court hearings on storing or processing forensic examination kit of gross sexual assault	BOI OAG (Victims Comp. Bd.)	<ul style="list-style-type: none"> Bureau has no role 	9/27: no change	

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73	24-A	216	2, 5	Title 24-A, section 216, subsections 2 and 5, relating to records of the Bureau of Insurance	BOI	<ul style="list-style-type: none"> Records associated with actual or claimed violations of Insurance Code 2-4 requests per month Subpoena, hearing on motion to quash No changes 	9/27: table - ask Maine Trial Lawyers for input	
74	24-A	222	13	Title 24-A, section 222, subsection 13, relating to insurance information filed with the Superintendent of Insurance concerning registration statements, tender offers, requests or invitations for tender offers, options to purchase, agreements	BOI	<ul style="list-style-type: none"> Domestic insurance company corporate transactions Vast majority are in public domain Bureau has issued appropriate protective orders No changes 	9/27: table - ask Consumers for Affordable Health Care, TRecord for input 11/4: Divided report - no change 3-1 (SBellows)	

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75	24-A	225	3	Title 24-A, section 225, subsection 3, relating to insurance examination reports	BOI	<ul style="list-style-type: none"> Documents relating to examinations of regulated entities Requests extremely infrequent No changes 	9/27: table - no problem with exception, but check with TRecord about making language consistent 11/4: AMEND - language	
76	24-A	226	2	Title 24-A, section 226, subsection 2, relating to insurance examination reports furnished to the Governor, the Attorney General and the Treasurer of State pending final decision	BOI	<ul style="list-style-type: none"> Draft report of examination Rarely if ever cited No changes 	9/27: table - no problem with exception, but check with TRecord about making language consistent (deem) 11/4: AMEND - language	
77	24-A	227		Title 24-A, section 227, relating to information pertaining to individuals in insurance examination reports	BOI	<ul style="list-style-type: none"> Final reports of examinations are public; except about insureds and applicants Rarely if ever denied No changes 	9/27: table - no problem with exception, but check with TRecord about making language consistent (deem) 11/4: AMEND - language	

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78	24-A	414	4, 5	Title 24-A, section 414, subsections 4 and 5, relating to insurance certificate of authority audit work papers	BOI	<ul style="list-style-type: none"> • Need exception to access analytical tools maintained by NAIC • No requests • No changes 	9/27: no change	
79	24-A	423-C	4	Title 24-A, section 423-C, subsection 4, relating to insurance reports of material transactions	BOI	<ul style="list-style-type: none"> • Reports • Rarely cited • No changes 	9/27: table - ask Consumers for Affordable Health Care and TRecord for input 11/4: divided report - no change 4-1 (SBellows)	
80	24-A	796-A		Title 24-A, section 796-A, relating to proprietary business information of special purpose insurance vehicle filed with the Superintendent of Insurance	BOI	<ul style="list-style-type: none"> • Info filed by special purpose reinsurance vehicles; none formed yet • No requests • No changes 	9/27: no change	

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81	24-A	952-A	4	Title 24-A, section 952-A, subsection 4, relating to actuarial opinion of reserves	BOI	<ul style="list-style-type: none"> • Supporting information • No requests • No changes 	9/27: table - ask Maine Trial Lawyers for input 11/4: AMEND language; otherwise no change 3-1 (SBellows)	
82	24-A	994	2, 4	Title 24-A, section 994, subsection 2, paragraph A, and subsection 4 relating to property and casualty actuarial report, work papers or actuarial opinion summary in possession or control of Bureau of Insurance	BOI	<ul style="list-style-type: none"> • Supporting information • No requests • No changes 	10/18: no change	

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83	24-A	1420-N	6	Title 24-A, section 1420-N, subsection 6, relating to insurers and producers	BOI	<ul style="list-style-type: none"> Information provided when insurer terminates insurance producer, investigatory info Rarely if ever denied request No changes 	10/18: no change (4-1 SBellows))	
84	24-A	1905	1	Title 24-A, section 1905, subsection 1, relating to credit and investigative reports concerning insurance administrator applicants	BOI	<ul style="list-style-type: none"> No denials No changes 	10/18: no change	
85	24-A	1911		Title 24-A, section 1911, relating to insurance audits and examinations	BOI	<ul style="list-style-type: none"> Personal claims information of individuals No requests No changes 	10/18: no change	

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86	24-A	2169-B	6	Title 24-A, section 2169-B, subsection 6, insurance scoring model	BOI	<ul style="list-style-type: none"> • Must be filed, but confidential • No requests in recent years • No changes 	10/18: Table - ask TRecord, how can private orgs enforce prohibitions on scoring on illegal factors? 11/4: divided report - no change 3-1 (SBellows)	
87	24-A	2187	6	Title 24-A, section 2187, subsection 6, relating to insurance fraud reporting	BOI	<ul style="list-style-type: none"> • Fraud information shared by law enforcement and insurers • Similar to arson reporting and CHRIA • No denials • No changes 	10/18: no change	

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88	24-A	2204	4	Title 24-A, section 2204, subsection 4, relating to insurance investigative information (definition)	BOI	<ul style="list-style-type: none"> Insurance Information Privacy Act Not documents in possession of agency: FOA does not apply No changes 	10/18: Table - more info 11/4: no change	
89	24-A	2304-A	7	Title 24-A, section 2304-A, subsection 7, relating to insurance rate filings	BOI	<ul style="list-style-type: none"> Rate filings confidential until approved No requests No changes 	10/18: Table - with #97 (filings) 11/4: divided report - no change 3-1 (SBellows)	
89.5	24-A	2304-C	3	NEW (11/1/10) Title 24-A, section 2304-C, subsection 3, relating to physicians and surgeons liability insurance rate filings	BOI	<ul style="list-style-type: none"> Confidential, but access for rate-payers No requests No changes 	11/4: divided report - no change 3-1 (SBellows)	
90	24-A	2315		Title 24-A, section 2315, relating to information submitted to fire insurance advisory organizations	BOI	<ul style="list-style-type: none"> No experience or records for many years No requests No changes 	10/18: Table - repeal? Ask CSoltan, TRecord 11/4: REPEAL, note to IFS	

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91	24-A	2323	4	Title 24-A, section 2323, subsection 4, relating to reports of insurers concerning loss and expense experience	BOI	<ul style="list-style-type: none"> No insurers have been required to report this information directly to the Bureau No changes 	10/18: Table - why keep if doesn't apply to anything Need more info 11/4: no change; update language	
91.5	24-A	2325-B	9	NEW (11/1/10) Title 24-A, section 2325-B, subsection 9, relating to mandatory property and casualty insurance market assistance program policy form and rate filings	BOI	<ul style="list-style-type: none"> No mandatory market assistance plan, so no requests SUGGESTED: make filings public upon approval to be consistent 	11/4: divided report - AMEND confidential until approved 3-1 (SBellows)	
92	24-A	2384-B	8	Title 24-A, section 2384-B, subsection 8, relating to workers' compensation insurance rating concerning claims and self-insurance	BOI	<ul style="list-style-type: none"> No FOA requests No changes 	10/18: no change	
93	24-A	2384-C	7	Title 24-A, section 2384-C, subsection 7, relating to workers' compensation insurance concerning claims and self-insurance	BOI	<ul style="list-style-type: none"> No FOA requests No changes 	10/18: no change	

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94	24-A	2393	2	Title 24-A, section 2393, subsection 2, relating to workers' compensation pool self-insurance and surcharges	BOI	<ul style="list-style-type: none"> No FOA requests No changes 	10/18: Table - obsolete? Rewrite to ensure confidentiality of old records?	
95	24-A	2412	8	Title 24-A, section 2412, subsection 8, relating to insurance contracts and forms	BOI	<ul style="list-style-type: none"> Public requests for filing are rare; occasionally an insurance producer requests a filing of an insurer s/he represents No changes 	10/18: Table (filings) 11/4: divided report - no change 3-1 (SBellows)	
96	24-A	2483	6	Title 24-A, section 2483, subsection 6, relating to the Interstate Insurance Product Regulation Commission work papers and individuals privacy and proprietary information of insurers	BOI	<ul style="list-style-type: none"> The provision is not administered by the Bureau, so the Bureau has not relied on the exception to deny FOA requests No changes 	10/18: no change	

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97	24-A	2736	2	Title 24-A, section 2736, subsection 2, relating to rate filings on individual health insurance policies	BOI	<ul style="list-style-type: none"> This is a 2009 amendment. In one proceeding personal health information was redacted; in a pending proceeding information regarding a 3rd party provider contract has been redacted No changes 	10/18: Table (filings) 11/4: no change	
98	24-A	2749	3	Title 24-A, section 2749, subsection 3, relating to utilization review data for health insurance contracts	BOI	<ul style="list-style-type: none"> Bureau has not denied any FOA requests based on this exception No changes 	10/18: no change	

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99	24-A	2808-B	2-A	Title 24-A, section 2808-B, subsection 2-A, relating to rate filings for small group health plans	BOI	<ul style="list-style-type: none"> In the Bureau's one year experience, no information subject to the exception has appeared in a filing No changes 	10/18: no change	
100	24-A	2842	8	Title 24-A, section 2842, subsection 8, relating to relating to alcoholism and drug treatment patient records for group and blanket health insurance	BOI	<ul style="list-style-type: none"> The Bureau has not relied on this statute in denying a FOA request No changes 	10/18: no change 11/4: AMEND language	
101	24-A	2847	3	Title 24-A, section 2847, subsection 3, relating to utilization review data for group and blanket health insurance	BOI	<ul style="list-style-type: none"> The Bureau has not denied any FO a requests based on this exception No changes 	10/18: no change	

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102	24-A	4204	2-A	Title 24-A, section 4204, subsection 2-A, relating to quality assurance programs of health maintenance organizations	BOI	<ul style="list-style-type: none"> This section is not an exception to the definition of public records No change because not applicable 	NOT AN EXCEPTION	
103	24-A	4224	1, 2	Title 24-A, section 4224, subsections 1 and 2, relating to quality assurance committees of health maintenance organizations	BOI	<ul style="list-style-type: none"> The Bureau has not received or denied a FOA request based on this exception No change 	10/18: no change	
104	24-A	4228	3	Title 24-A, section 4228, subsection 3, relating to utilization review data for health maintenance organizations	BOI	<ul style="list-style-type: none"> The Bureau has not denied any FOA requests based on this exception No changes 	10/18: no change	
105	24-A	4233	2	Title 24-A, section 4233, subsection 2, relating to health maintenance organizations work papers filed with the Superintendent of Insurance	BOI	<ul style="list-style-type: none"> The Bureau has not denied any FOA requests based on this exception No changes 	10/18: no change	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Including Subcommittee recommendations made September 27, 2010; October 18, 2010; and November 4, 2010

Revised 11/17/10

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
106	24-A	4245	1, 3	Title 24-A, section 4245, subsections 1 and 3, relating to health maintenance organizations accreditation survey report	BOI	<ul style="list-style-type: none"> The Bureau has not denied any FOA requests based on this exception No changes 	10/18: Table (subpoena) 11/4: divided report - no change 3-1 (SBellows)	
107	24-A	4406	3	Title 24-A, section 4406, subsection 3, relating to delinquent insurers	BOI	<ul style="list-style-type: none"> There have been no judicial proceedings to which this section applies; thus the exception has not been used as a basis of denial of a FOA request No changes 	10/18: Table - why keep if doesn't apply to anything 11/4: no change	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Including Subcommittee recommendations made September 27, 2010; October 18, 2010; and November 4, 2010

Revised 11/17/10

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
108	24-A	4612-A	1	Title 24-A, section 4612-A, subsection 1, relating to information reported by the Superintendent of Insurance to the National Association of Insurance Commissioners Insurance Regulatory Information System board	BOI	<ul style="list-style-type: none"> This is not a public records exception because Maine Life and Health Insurance Guaranty Assoc. is not a state agency No changes applicable 	10/18: no change	
109	24-A	6458	1	Title 24-A, section 6458, subsection 1, relating to risk-based capital standards for insurers	BOI	<ul style="list-style-type: none"> The Bureau has not cited this exception in denying a FOA request No changes 	10/18: Table (subpoena) 11/4: divided report - no change 3-1 (SBellows)	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Including Subcommittee recommendations made September 27, 2010; October 18, 2010; and November 4, 2010

Revised 11/17/10

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
110	24-A	6708	2	Title 24-A, section 6708, subsection 2, relating to examination of captive insurance companies documents	BOI	<ul style="list-style-type: none"> Maine currently has no captive insurers, and no records subject to this exception exist. The statute has not been cited as a basis of denial of a FOA Request No changes 	10/18: Table (subpoena) 11/4: divided report - no change 3-1 (SBellows)	
111	24-A	6715		Title 24-A, section 6715, relating to captive insurance companies information submitted to the Superintendent of Insurance	BOI	<ul style="list-style-type: none"> Maine currently has no captive insurers, and no records subject to this exception exist. The statute has not been cited as a basis of denial of a FOA Request No changes 	10/18: no change	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Including Subcommittee recommendations made September 27, 2010; October 18, 2010; and November 4, 2010

Revised 11/17/10

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
112	24-A	6807	7	Title 24-A, section 6807, subsection 7, paragraph A, relating to individual identification data of viators	BOI	<ul style="list-style-type: none"> To date, the Bureau has not conducted any examinations of life settlement companies. The exception has not been cited as a basis of denial of a FOA request No changes 	10/18: Table - ask TRecord, (subpoena) 11/4: divided report - no change 3-1 (SBellows) - but flag than inconsistent with treatment of examination reports	
113	24-A	6818	6, 8	Title 24-A, section 6818, subsections 6 and 8, relating to fraudulent viatical or life insurance settlements information provided for enforcement	BOI	<ul style="list-style-type: none"> The Bureau has no experience with the administration of this exception and has not denied a FOA request based on it No changes 	10/18: Table - why isn't fraud information public? (subpoena) 11/4: divided report - no change 3-1 (SBellows)	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Including Subcommittee recommendations made September 27, 2010; October 18, 2010; and November 4, 2010

Revised 11/17/10

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
114	24-A	6907	2	Title 24-A, section 6907, subsection 2, relating to health information obtained by Dirigo Health covered by the federal Health Insurance Portability and Accountability Act of 1996, or c. 24, or T.22 section 1711-C	BOI	<ul style="list-style-type: none"> This exception pertains to the Dirigo Health Agency and does not involve any Bureau records 	10/18: no change	
115	24-A	6907	3	Title 24-A, section 6907, subsection 3, relating to practitioner-specific quality data collected, used, produced or maintained for measuring the professional performance of a health care practitioner by the Maine Quality Forum	BOI	<ul style="list-style-type: none"> This exception pertains to the Dirigo Health Agency and does not involve any Bureau records 	10/18: no change	
116	24-A	6907	1	Title 24-A, section 6907, subsection 1, relating to personally identifiable financial information obtained by Dirigo Health	BOI	<ul style="list-style-type: none"> This exception pertains to the Dirigo Health Agency and does not involve any Bureau records 	10/18: no change	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Including Subcommittee recommendations made September 27, 2010; October 18, 2010; and November 4, 2010

Revised 11/17/10

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
117	25	1577	1	Title 25, section 1577, subsection 1, relating to the state DNA data base and the state DNA data bank	DPS	<ul style="list-style-type: none"> There have been fewer than 24 requests in the last 10 years; all requests for records protected under this statute have been denied (no appeals) No changes 	10/18: no change	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Including Subcommittee recommendations made September 27, 2010; October 18, 2010; and November 4, 2010

Revised 11/17/10

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
118	25	2006		Title 25, section 2006, relating to concealed firearms permit applications	DPS & other issuing authorities per 25 MRSA §2002, sub-§9	<ul style="list-style-type: none"> • Most requests are made by law enforcement agencies; concealed firearm permit applications are confidential, but once a permit has been granted it may be disseminated • Changes – there is no agency in the State that maintains a centralized, comprehensive database for concealed firearm permits issued by State Police, etc., hindering accountability 	10/18: no change	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Including Subcommittee recommendations made September 27, 2010; October 18, 2010; and November 4, 2010

Revised 11/17/10

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
119	25	2413	1	Title 25, section 2413, subsection 1, relating to information received under the Arson Reporting Immunity Act	DPS (OFM)	<ul style="list-style-type: none"> Denial of protected records is often to an insurance company or attorneys; the records protected are valuable investigative tools for the State Fire Marshal's Office No changes 	10/18: no change	
120	25	2806	8	Title 25, section 2806, subsection 8, relating to proceedings of the board of trustees of the Maine Criminal Justice Academy concerning complaints of misconduct of law enforcement officers	DPS (MCJA Bd. Of Trustees)	<ul style="list-style-type: none"> The MCJA Bd of Trustees handled 130 cases from 2008 to 2010 (as of July 28th); requests for records are made about six to eight times a year No changes 	10/18: no change	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

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	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
121	25	2929	1, 2, 3, 4	Title 25, section 2929, subsections 1, 2, 3 and 4, relating to emergency services communications	Emergency Services Communication Bureau (within PUC); DPS	<ul style="list-style-type: none"> BCEC receives 28-30 requests per month for either audio recordings or transcripts of E911 calls; this is provided sans "confidential information" No changes 	10/18: no change (5-1 SGoucher, SBellows abstain)	
122	25	2929	2	Title 25, section 2929, subsection 2, relating to public safety answering point records	Emergency Services Communication Bureau (within PUC); DPS	<ul style="list-style-type: none"> BCEC receives 28-30 requests per month for either audio recordings or transcripts of E911 calls; this is provided sans "confidential information" No changes 	Repeat of 121	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Including Subcommittee recommendations made September 27, 2010; October 18, 2010; and November 4, 2010

Revised 11/17/10

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
123	25	2957		Title 25, section 2957, relating to Maine Drug Enforcement Agency investigative records	DPS (MDEA)	<ul style="list-style-type: none"> There have been no requests pertaining to any meeting of the MDEA Advisory Board; there have been a couple of written FOA requests for MDEA investigative records – all were denied and there were no appeals No changes 	10/18: no change	

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**STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION**

**Fifth Annual Report
of the
RIGHT TO KNOW ADVISORY COMMITTEE**

January 2011

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Rep. Dawn Hill
Shenna Bellows
Karla Black
Robert Devlin
Mark Dion
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EXECUTIVE SUMMARY

This is the fifth annual report of the Right to Know Advisory Committee. The Right to Know Advisory Committee was created by Public Law 2005, chapter 631 as a permanent advisory council with oversight authority and responsibility for a broad range of activities associated with the purposes and principles underlying Maine's freedom of access laws. The 16 members are appointed by the Governor, the Chief Justice, the Attorney General, the President of the Senate and the Speaker of the House of Representatives. More information is available on the Advisory Committee's website: <http://www.maine.gov/legis/opla/righttoknow.htm>. The Office of Policy and Legal Analysis provides staffing to the Advisory Committee while the Legislature is not in session.

By law, the Advisory Committee must meet at least four times per year. During 2010, the Advisory Committee met four times: May 25, September 23, October 21 and November 18. This year, the Advisory Committee reorganized its Subcommittee structure and appointed three Subcommittees: Legislative, Public Records Exceptions and Bulk Records. All three Subcommittees held meetings and made recommendations to the Advisory Committee.

The Advisory Committee was very fortunate to have the services of two Legal Externs of the Maine School of Law. Mariya Burnell, who received her *Juris Doctor* from the Law School in May 2010, provided research and reports to the Advisory Committee during the Second Regular Session of the 124th Legislature. Sean O'Mara, currently a third year student at the Law School, worked with the Advisory Committee during the first semester of the 2010-2011 school year.

The Advisory Committee serves as the central source and coordinator of information about Maine's freedom of access laws and the people's right to know. In carrying out this duty, the Advisory Committee believes it is useful to include in its annual reports a digest of the developments in case law relating to Maine's freedom of access laws. For the fourth time, this report includes a summary of relevant Maine court decisions.

The report also includes a brief summary of the legislative actions taken since January 2010 in response to the Advisory Committee's recommendations in its fourth annual report.

For its fifth annual report, the Advisory Committee makes the following recommendations:

- Continue, amend and repeal specific existing public records exceptions in Titles 22 to 25;**
- Amend the freedom of access statute to clearly state that all forms of communications, including electronic mail, not be used to defeat the purposes of the freedom of access laws;**
- Retain the existing penalty provisions of the freedom of access laws (do we want to include "no action" recommendations?);**

- Do not address the application of the freedom of access laws to partisan caucuses;**
- Include a simple but noticeable statement on all State webpages that all aspects of communications with the State, including an individual's e-mail address, may be considered public records;**
- Retain the Central Voter Registry System's confidentiality provisions as enacted by Public Law 2009, chapter 564;**
- Amend the freedom of access laws to clarify that Social Security Numbers are not public records (Bulk Records Subcommittee concerns?);**
- Enact legislation governing the participation in meetings by members of public bodies using technology (not unanimous; what to do about FAME, Emergency Medical Services Board, Ethics Commission, Workers' Comp Board comments?);**
- Enact legislation to require records of public proceedings;**
- Enact legislation to expand the scope of the review of proposed public records exceptions to include access issues;**
- Expand FOA training to appointed clerks (Pending Legislative Committee discussion and Advisory Committee discussion)**
- Make improvements to the State's Freedom of Access Website www.maine.gov/foaa;**
- Support establishment of a project to provide FOA services to the public; and**
- Continue work on public records exceptions templates, the Criminal History Record Information Act confidentiality/public access provisions, and the myriad of issues involved in public access to bulk records.**

In 2011, the Right to Know Advisory Committee will continue to provide assistance to the Judiciary Committee relating to proposed legislation affecting public access and the recommendations of the Advisory Committee for the public records exceptions in Titles 22 through 25. It will continue the process of reviewing the existing public records exceptions contained in Titles 22 through 25. *(Add in any issues that the Advisory Committee tables, including CHRIA, templates, bulk records?)* The Advisory Committee looks forward to a full year of activities and working with the Governor, the Legislature and the Chief Justice of the Maine Supreme Judicial Court to implement the recommendations contained in its fifth annual report.

I. INTRODUCTION

This is the fifth annual report of the Right to Know Advisory Committee. The Right to Know Advisory Committee was created by Public Law 2005, chapter 631 as a permanent advisory council with oversight authority and responsibility for a broad range of activities associated with the purposes and principles underlying Maine's freedom of access laws. Title 1, section 411 is included as Appendix A. Previous annual reports of the Advisory Committee can be found on the Advisory Committee's webpage at www.maine.gov/legis/opla/righttoknowreports.htm.

The Right to Know Advisory Committee has 16 members. The chair of the Advisory Committee is elected annually by the members. The Advisory Committee members are:

Sen. Barry Hobbins Chair	<i>Senate member of Judiciary Committee, appointed by the President of the Senate</i>
Rep. Dawn Hill	<i>House member of Judiciary Committee, appointed by the Speaker of the House</i>
Shenna Bellows	<i>Representing the public, appointed by the President of the Senate</i>
Karla Black	<i>Representing State Government interests, appointed by the Governor</i>
Judy Meyer	<i>Representing newspaper publishers, appointed by the Speaker of the House</i>
Robert Devlin	<i>Representing county or regional interests, appointed by the President of the Senate</i>
Sheriff Mark Dion	<i>Representing law enforcement interests, appointed by the President of the Senate</i>
Richard Flewelling	<i>Representing municipal interests, appointed by the Governor</i>
James T. Glessner	<i>Member of the Judicial Branch</i>
Suzanne Goucher	<i>Representing broadcasting interests, appointed by the Speaker of the House</i>
A.J. Higgins	<i>Representing broadcasting interests, appointed by the President of the Senate</i>
Mal Leary	<i>Representing a statewide coalition of advocates of freedom of access, appointed by the Speaker of the House</i>

Kelly Morgan *Representing newspapers and other press interests, appointed by the President of the Senate*

Linda Pistner *Attorney General's designee*

Harry Pringle *Representing school interests, appointed by the Governor*

Chris Spruce *Representing the public, appointed by the Speaker of the House*

The complete membership list of the Advisory Committee, including contact information, is included as Appendix B.

By law, the Advisory Committee must meet at least four times per year. During 2010, the Advisory Committee met four times: May 25, September 23, October 21 and November 18. Subcommittee meetings were held on June 28, July 12, 21 and 19, August 30, September 23 and 27, October 18 and 27, and November 18. All of the meetings were held in the Judiciary Committee Room or the Legal And Veterans' Affairs Room of the State House in Augusta and were open to the public. Each meeting was also accessible through the audio link on the Legislature's webpage. The Advisory Committee also established a webpage which can be found at www.maine.gov/legis/opla/righttoknow.htm. Agendas and summaries of the meetings are included on the webpage.

A special note of thanks to Christopher Spruce for his dedication to the Right to Know Advisory Committee during his tenure. It was Chris's enthusiasm and perseverance that gave structure to the process to review existing public records exceptions, and his sense of humor that carried us through. The Advisory Committee wishes him well in his next endeavors.

II. RIGHT TO KNOW ADVISORY COMMITTEE DUTIES

The Right to Know Advisory Committee was created to serve as a resource and advisor about Maine's freedom of access laws. The Advisory Committee's specific duties include:

- ❑ Providing guidance in ensuring access to public records and public proceedings;
- ❑ Serving as the central source and coordinator of information about Maine's freedom of access laws and the people's right to know;
- ❑ Supporting the provision of information about public access to records and proceedings via the Internet;

- ❑ Serving as a resource to support training and education about Maine’s freedom of access laws;
- ❑ Reporting annually to the Governor, the Legislative Council, the Joint Standing Committee on Judiciary and the Chief Justice of the Supreme Judicial Court about the state of Maine’s freedom of access laws and the public’s access to public proceedings and records;
- ❑ Participating in the review and evaluation of public records exceptions, both existing and those proposed in new legislation;
- ❑ Examining inconsistencies in statutory language and proposing clarifying standard language; and
- ❑ Reviewing the collection, maintenance and use of records by agencies and officials to ensure that confidential records and information are protected and public records remain accessible to the public.

In carrying out these duties, the Advisory Committee may conduct public hearings, conferences, workshops and other meetings to obtain information about, discuss, publicize the needs of and consider solutions to problems concerning access to public proceedings and records.

The Advisory Committee may make recommendations for changes in statutes to improve the laws and may make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and governmental entities with regard to best practices in providing the public access to records and proceedings and to maintain the integrity of the freedom of access laws.

III. RECENT COURT DECISIONS RELATED TO FREEDOM OF ACCESS ISSUES

By law, the Advisory Committee serves as the central source and coordinator of information about Maine’s freedom of access laws and the people’s right to know. In carrying out this duty, the Advisory Committee believes it is useful to include in its annual reports a digest of the developments in case law relating to Maine’s freedom of access laws. During 2010, the Advisory Committee identified only one decision (Superior Court) and one pending case (Superior Court) on freedom of access issues.

2010 Maine Court Opinions involving Maine’s freedom of access laws

- MacImage of Maine LLC. v. Androscoggin County et al. (Me. Super. Ct., Cumb. Cty., December 22, 2009 and August 3, 2010) (Warren, J.) After the court’s decision in MacImage of Maine, LLC. v. Hancock County et al. (2009), MacImage brought a freedom of access suit against 12 additional counties seeking access to the computer database of records maintained by each county’s registry of deeds. MacImage, believing the requests were not being timely fulfilled made two motions, one for a Temporary Restraining Order (“TRO”) and Preliminary Injunction and a second for an expedited

trial de novo and an order specifying the future course of the proceedings. Motions to dismiss were filed by 10 counties and the two remaining counties filed a motion for summary judgment (but the time for MacImage to oppose the summary judgment motion had not expired at the writing of the court order). The court denied the MacImage motion for TRO; ruled that MacImage's motion for preliminary injunction should be consolidated with the trial on the merits; reserved its decision on MacImage's motion for an expedited scheduling and specification of the future course of the proceedings until all parties had an opportunity to be heard; and denied the counties' pending motions to dismiss.

In the court order dated August 3, 2010, the court denied the motion for summary judgment put forth by Franklin County and Sagadahoc County on the grounds that "in recording and indexing deeds, mortgages, and other land records, the county registries are engaged in the transaction of public or governmental business." On MacImage's motion for a partial summary judgment, the court recognized the defendants who requested a stay or continuance in order to provide further responses limited to the "public records" issue. MacImage's renewed motion for a TRO and Preliminary Injunction was denied.

The trial on the merits began Monday, October 4, 2010. At the time of the trial, six defendants remained: Androscoggin, Aroostook, Cumberland, Knox, Penobscot, and York counties. Issues reserved for trial include, but are not limited to, the following: (a) reasonableness of the fees charged by the registries; (b) cost and feasibility of MacImage's proposed method of access to electronic registry information; (c) whether any portion of MacImage's requests are exempt under Title 1, section 402, subsection 3, paragraph M; and (d) the form and availability of any relief if MacImage prevails.

IV. RIGHT TO KNOW ADVISORY COMMITTEE SUBCOMMITTEES

Given the broad scope of the Advisory Committee's ongoing duties and responsibilities and the nature of the requests received from the Legislature, the Advisory Committee reorganized its Subcommittee structure in 2010. Three Subcommittees were appointed: 1) Legislative; 2) Public Records Exceptions; and 3) Bulk Records. Senator Hobbins and Representative Hill, the legislative members of the Advisory Committee, are ex officio members of each Subcommittee.

Legislative Subcommittee. The Legislative Subcommittee's focus is to serve as an advisor to the Legislature when legislation affecting public access is proposed and to respond to requests from the Legislature or others concerning issues affecting public records and public access. Christopher Spruce¹ served as chair of the Subcommittee and the following serve as members: Shenna Bellows, Karla Black, Robert Devlin, Richard Flewelling, Mal Leary, Judy Meyer, Kelly Morgan, Linda Pistner and Harry Pringle.

¹ Chris Spruce resigned from the Advisory Committee effective November 4, 2010.

During 2010, the Legislative Subcommittee had six meetings. The Subcommittee was charged with several specific tasks.

- Examine use of communication technologies to ensure that decisions are made in proceedings that are open and accessible to the public

LD 1551, An Act To Further Regulate the Communications of Members of Public Bodies, proposed restrictions on the use of e-mail and other communication technologies by members of public boards and commissions. The Right to Know Advisory Committee grappled with the same issue throughout 2009 and came to the conclusion that the law is clear in requiring that decision-making be carried out in public. Guidance to that effect was added as part of the Frequently Asked Questions section of the State's freedom of access webpage. The Judiciary Committee amended LD 1551 to direct the Advisory Committee to take up the issue again, requiring the Advisory Committee to examine and report recommendations concerning how the freedom of access laws can appropriately address the use of communication technologies, both existing and those to be developed in the future, and to ensure that decisions are made in proceedings that are open and accessible to the public. (See Resolve 2009, chapter 171.)

The Legislative Subcommittee reviewed other states' efforts to legislate in response to similar concerns, and discussed constitutional limitations on restrictions of communications, as well as the need for public servants to be well-informed and to be active participants in their communities. The Subcommittee determined that the central concern was to make it clear that any type of communication among members of a public body that occurs outside of a public meeting is prohibited if it circumvents the purposes of the freedom of access laws: Deliberations be conducted openly, and actions be taken openly. The Subcommittee recommended to the full Advisory Committee that the freedom of access policy section be amended to clearly state that outside communications may not be used to defeat the purposes of the chapter.

See discussion of Advisory Committee recommendations in Section VI.

- Consideration of revision of penalties for violations of the freedom of access laws

The Legislature charged the Right to Know Advisory Committee with examining whether penalties for violations of the freedom of access laws should be revised, including consideration of criminalizing violations and making the individual who violates the laws responsible for the penalty, rather than the governmental entity. (See Resolve 2009, c. 171.) There was discussion within the Legislative Subcommittee that some public officials are aware that actions must be taken in public meetings, but continue to try to carry out business in secret meetings or via e-mail or telephone calls. The argument the Subcommittee considered was that a public official who knowingly violates the freedom of access laws in these types of situations should be held personally liable for the penalty, whether it be a civil or criminal fine or other penalty. After much discussion, the Subcommittee decided to continue to support education as the most effective method to ensure compliance with the laws and not amend the penalty provision.

- Whether partisan party caucuses should be specifically excluded from the definition of "public proceedings"

The question of whether partisan caucuses, of the State Legislature as well as of local government, are public has been discussed on many occasions. The Judiciary Committee thought it might be appropriate to state definitively in the law whether partisan caucuses fell within the definition of "public proceedings," and asked the Right to Know Advisory Committee to look at the issue. (See Resolve 2009, c, 171.)

The Legislative Subcommittee reviewed materials prepared by the National Conference of State Legislatures on how caucuses are treated across the country. Although there was interest in stating that caucuses must be open, at least on the legislative level, the Subcommittee members were fully cognizant of the inherent authority of the Legislature to govern its own proceedings, and chose not to recommend including or excluding partisan caucuses from the definition of "public proceedings."

- Protection of private information contained in e-mail and other forms of communication that are sent and received by public officials, particularly communications between elected public officials and their constituents

LD 1802, An Act To Exempt Personal Constituent Information from the freedom of access Laws proposed to exempt from the definition of "public records" any communication between a constituent and an elected official if the constituent expects it to be confidential or if it contains certain personal information. Instead of enacting the proposal, the Legislature directed the Right to Know Advisory Committee to examine issues relating to the protection of private information contained in electronic and other communications that are sent and received by public officials, particularly communications between elected public officials and their constituents. The Advisory Committee was also directed to consider confidentiality requirements related to Legislators' oversight responsibilities, as well as appropriate warnings for public officials to provide with regard to communications that are or may be public records.

The Legislative Subcommittee reviewed statutes from other states that protect the e-mail and other communications of legislators. After much discussion and several drafts, the Subcommittee submitted to the Advisory Committee draft language that protected as confidential information contained in communications by or to public officials if the information were: 1) already designated as exempt from the definition of public records; 2) were designated as confidential by statute; or 3) would be confidential in the hands of another public agency. The Advisory Committee did not reach consensus on the draft and recommitted it to the Legislative Subcommittee. At the same time, the Advisory Committee supported the Legislative Subcommittee's recommendation that a simple but noticeable statement be included on all State webpages indicating that all aspects of communications with the State may be considered public records.

This may change after the Legislative Subcommittee meeting on November 18th and the Advisory Committee meeting on November 18th

See discussion of Advisory Committee recommendations in Section VI.

- Policy on whether e-mail addresses are public records

During the Second Regular Session of the 124th Legislature, the Judiciary Committee was asked pursuant to Title 1, section 434 to review language that proposed to designate as confidential the e-mail addresses of customers and licensees of the Department of Inland Fisheries and Wildlife who engaged in online transactions with the Department. The Legislature did not enact an exemption, but the Judiciary Committee asked the Right to Know Advisory Committee to discuss the issue in depth and report back with any recommendations.

The Legislative Subcommittee discussed whether the e-mail addresses of persons engaging in transactions with the government should remain public records as they exist under current law. The Subcommittee looked at other states' laws that protect such information from public access, collected comments from state and local government officials and debated the issue at length. The Subcommittee recommended no change in the current law, although at least one member was concerned that such a conclusion is not consistent with the public's expectations when they transact business with the State or otherwise communicate with public officials online. The issue was raised as to whether a person's e-mail address is really part of the government's process of conducting business, which is what the freedom of access laws are intended to make transparent and accessible. The Subcommittee's recommendation for a notice about the public nature of communications applies to e-mail addresses as well. The Subcommittee recommended that each State agency post a disclaimer on its website that indicates that a person's e-mail address is a public record.

See discussion of Advisory Committee recommendations in Section VI.

- Examine Central Voter Registry System confidentiality provisions

The Legal and Veterans' Affairs Committee considered *LD 1627, An Act To Improve Access to Data in the Central Voter Registration System*, which rewrote the provisions governing the protection of information in the Central Voter Registration System. The Judiciary Committee and the Advisory Committee have been involved in reviewing the statutory confidentiality provisions for several years because the entire database is designated confidential, with limited, carefully crafted exceptions to that confidentiality. Upon enactment of LD 1627 as Public Law 2009, chapter 564, the Judiciary Committee asked the Advisory Committee to review the CVR System revision to ensure that it embodies an appropriate departure from the usual declaration that all governmental records are public, with few if any specified exceptions.

The Legislative Subcommittee reviewed the information provided by the Legal and Veterans' Affairs Committee staff as well as the Secretary of State's Office, and found that the law is meticulous in identifying which information is available to specified requestors. The Subcommittee concluded that the law strikes an appropriate balance between providing

information to ensure the integrity of the voting process and the need to protect privacy and not create a disincentive to register and vote. The Subcommittee recommended no change to the current law.

- Examine protection of Social Security Numbers

The Advisory Committee has been studying the treatment of Social Security Numbers in public records from almost the inception of the Advisory Committee. In 2009, the Advisory Committee developed legislation that would phase in prohibition of collection of SSNs except when required by law, along with specified processes for ensuring that those SSNs appropriately collected are protected from public access. The Advisory Committee chose not to recommend the draft, based mostly on the comments received from various State agencies that believed the proposal was unworkable with present systems.

The Legislative Subcommittee, after much discussion, recommended that the law be amended to simply state that Social Security Numbers are not public records. This allows records custodians to redact SSNs when they appear in otherwise public records. The Subcommittee recognized that the draft may not affect the responsibilities of Registers of Deeds with regard to protecting SSNs that are part of records filed with the Registries.

The Bulk Records Subcommittee also considered the proposed recommendation concerning Social Security Numbers and was not comfortable recommending the change without further input from agencies. (See Bulk Records Subcommittee discussion on page ??.)

See discussion of Advisory Committee recommendations in Section VI.

- Examine the use of technology in attending meetings

The Advisory Committee developed draft legislation in 2009 to specifically address public bodies holding meetings using conference call or other communications technology. There is concern that current law does not allow members who not physically present to be counted as part of the quorum or to vote. Four entities have special language in their statutes enabling meetings among members that are located in different places at the time of the meeting:

- Finance Authority of Maine, 10 MRSA §971;
- Commission on Governmental Ethics and Election Practices, 21-A MRSA §1002;
- Emergency Medical Services Board, 32 MRSA §88, sub-§1, ¶D; and
- Workers' Compensation Board, 39-A MRSA §151, sub-§5.

The Legislative Subcommittee revised the draft developed in 2009 and proposed amendments to the statutes of the four entities to make the proposed language apply to them in most situations. Comments from two of the four entities were received, raising concerns about the draft language.

This may change after the Legislative Subcommittee meeting on November 18th and the Advisory Committee meeting on November 18th

See discussion of Advisory Committee recommendations in Section VI.

- ♦ Revisit the recommendation to require the records of public proceedings

In 2009, the Right to Know Advisory Committee recommended, although not unanimously, that records be kept of all public proceedings. *LD 1791, An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Records of Public Proceedings* was heard and discussed by the Judiciary Committee. Citing a few significant concerns, the Judiciary Committee instead reported out a resolve directing the Advisory Committee to revisit the issue. (See Resolve 2009, chapter 186.)

The Legislature Subcommittee reviewed the prior materials on requirements for records of public proceedings and developed a draft that addressed the Judiciary Committee's concerns about the contents of the record and the consequences for failure to make and maintain a record. On the advice of the Legislative Policy Committee of the Maine Municipal Association, the full Advisory Committee considered draft language that included imposing the requirement on only those public bodies that have actual authority, as opposed to advisory committees and such.

See discussion of Advisory Committee recommendations in Section VI.

- ♦ Examine the scope of process to review proposed public records exceptions

During the Second Regular Session of the 124th Legislature, the Judiciary Committee reviewed, ostensibly under Title 1, section 434, a proposed change in the fee structure for copies of specific public records. The Judiciary Committee reluctantly came to the conclusion that the statute requiring the review did not include criteria for proposals that may deleteriously affect public access to public records. The Judiciary Committee requested the Advisory Committee to consider the review criteria and make any recommendations appropriate to ensure public access to public records.

The Legislative Subcommittee discussed the concerns and noted that both the Advisory Committee, in its review of existing public records exceptions, and the Judiciary Committee, in its review of proposed public records exceptions, follow the specific questions listed in the statutes in reviewing and evaluating exceptions. See 1 MRSA §432 and §434. The Subcommittee developed language to include the consideration of any factors that affect the accessibility of public records, including but not limited to fees, request procedures and timeliness of responses.

See discussion of Advisory Committee recommendations in Section VI.

- ♦ Explore expansion of mandatory FOA training for appoint municipal and county clerks

The Legislative Subcommittee discussed the need for expanding the training required under Title 1, section 412. In some communities, clerks are appointed positions rather than elected, although the duties are identical. The Subcommittee explored expanding mandatory training to cover appointed clerks. **Legislation Subcommittee results?**

See discussion of Advisory Committee recommendations in Section VI.

Public Records Exceptions Subcommittee. The Public Records Exception Subcommittee's focus is to participate in the review and evaluation of public records exceptions, both existing and those proposed in new legislation; to examine inconsistencies in statutory language and to propose clarifying standard language. Shenna Bellows is the chair of the Subcommittee and the following serve as members: Karla Black, Ted Glessner, Suzanne Goucher, AJ Higgins, Linda Pistner and Christopher Spruce.

During 2010, the Public Records Exception Subcommittee held three meetings. The Subcommittee began its review and evaluation of all the 123 public records exceptions in Titles 22 through 25 that were initially identified as requiring review. By request, the Subcommittee also reconsidered the development of appropriate standard statutory language for protected information provided in applications for government funding or technical assistance and appropriate standard language for records and information of advisory panels.

The Subcommittee's process of review and evaluation began by sending a questionnaire to each agency that acts as a custodian of the records listed in Titles 22 through 25. Records custodians were generous with their time in responding to the questions (the Bureau of Insurance provided 56 responses, and the Department of Health and Human Services was able to provide responses to 28 questionnaires). The information collected provided guidance to the Subcommittee concerning the types of records and information subject to the public record exception at issue, whether the public record exception has been cited as a means for denying a request, whether the public records exception should be continued or modified, and any other persons with whom the Subcommittee should consult in its review and evaluation. Thomas Record, Senior Staff Attorney, Bureau of Insurance, not only prepared the responses for the Bureau and met with staff, but also spent an afternoon with the Subcommittee explaining current law and how the statutes operate. Charles Soltan, an attorney representing insurance interests affected by the statutes, participated in two Subcommittee meetings as well. The Subcommittee appreciates the assistance of all the participants and the records custodians and interested persons who provided information.

The Subcommittee made recommendations on the majority of the provisions slated for review this biennium, and tabled the rest, as well as the Criminal History Record Information Act and a revision of the standard drafting templates, until the Subcommittee can reconvene in 2011.

In its discussion of the Title 24-A exceptions, the Subcommittee talked about the issue of records that are both confidential and not subject to subpoena. It was not clear whether changing the subpoena language would impact state law accreditation. States must adopt the same or

substantially similar language to that in model laws to retain accreditation status. Ms. Bellows noted that she was concerned about under-regulation of some of the insurance businesses and that she was uncomfortable with exceptions that are so broad and except records from subpoenas in court proceedings. Ms. Black indicated that she was uncomfortable amending the language, since it is not known how that would impact accreditation, the Bureau of Insurance and consumers. Although the other members present felt comfortable with the reasons for the exception from subpoena, Ms. Bellows expressed that in principle she would vote against the motion to leave those exceptions with no change and did. The Subcommittee recommended that the Judiciary Committee look at the general question of information not being subject to subpoena.

Ms. Bellows also recommended that all rate filings be public from the date they are filed and dissented from majority decisions to retain confidentiality until approved.

The Subcommittee discussed the issue of examinations of viatical or life settlement companies and why these reports are not made public when filed. Because the issue of life settlements has been discussed 5 years in a row, the Subcommittee voted to not recommend changes at this time, but to flag it for future review by the Insurance and Financial Services Committee. Ms. Bellows, again in principle, voted against the Subcommittee's recommendation for no change.

See discussion of Advisory Committee recommendations in Section VI.

Bulk Records Subcommittee. The Bulk Records Subcommittee's focus is to respond to the questions raised by the Legislature in Public Law 2009, chapter 567, section 11. Bob Devlin is the chair of the Subcommittee and the following serve as members: Karla Black, Richard Flewelling and Judy Meyer.

During 2010, the Bulk Records Subcommittee held three meetings. The Subcommittee considered the following issues:

- Public access to databases;
- Protection of personal information that is not designated as confidential but is contained in databases that include public records;
- Reasonable costs for copies when public records are requested in bulk;
- Whether access or costs should be based on the intended or subsequent use of the information requested in bulk;
- The acceptable formats for responses to requests, including electronic and paper; and
- The appropriate role for InforME in responding to requests for public records in bulk.

The complexity of these issues related to bulk records, coupled with the pending litigation, MacImage of Maine LLC. v. Androscoggin County et al. (Me. Super. Ct., Cumb. Cty., December 22, 2009 and August 3, 2010), resulted in the Subcommittee identifying a number of questions and conclusions but no specific recommendations for policy or legislative changes at this time. Also of note regarding bulk records issues is that because of the pending litigation,

another working group, the Bulk Data Stakeholders Group, which is staffed by OIT and was created at the request of the State and Local Government Committee, tabled its work after convening for only one meeting in July. The State and Local Government Committee requested that Office of Information Technology (OIT) in the Department of Administrative and Financial Services convene the stakeholder group and include: a representative from the Maine County Commissioners Association, the Register of Deeds Association, the Maine Association of Realtors; a person representing the interests of title attorneys; a member from the Right to Know Advisory Committee; a representative from MacImage, and any other parties that are relevant and interested. The group was tasked with defining bulk data transfers, evaluating the best way to handle such requests and developing a web portal for the 18 county registry offices. The State and Local Government Committee asked that the Stakeholders Group report back by January 15, 2011; however, the counties have been advised by their counsel not to participate in the group with John Simpson, who is the principal of MacImage. With the case not settled, the State and Local Government Committee does not anticipate a report from the Stakeholders Group during the First Regular Session of the 125th Legislature. These issues are all interrelated and most could not be discussed without discussing others simultaneously.

- Public access to databases
- The acceptable formats for responses to requests, including electronic and paper

The Subcommittee reviewed and discussed definitions of “bulk data” and “bulk records” and whether the public has a right to access record(s) within a database or the entire database. The Subcommittee found that although there are some examples of these definitions in other states’ statutes and judicial rules, the provisions are scattered in individual departments and agencies and are not universally applied across any state system. Because departments and agencies differ in how they maintain and how they disseminate public records, this idea of defining a “one size fits all” approach, again coupled with the issue being part of pending litigation, led to no specific recommendation regarding adopting definitions for “bulk records” and “bulk data” and therefore, no specific parameters for defining and responding to requests for records of a bulk nature. The Subcommittee discussed the format of public records, access to those records and what the obligations of agencies are to provide access to those records. Although agencies do not have to create documents that do not exist, they do have to provide what the requester seeks and provide it in a manner that is useable. Formats for data may be fairly standard; records are provided on disk, thumb drives, by e-mail and in paper form; however the Subcommittee learned that some county registries do not have the capacity to respond to a requester in a certain format.

Looking at public access also raised questions of security and proprietary matters, especially when data is to be provided in its original form. Also, a requester may be unable to do anything with the records - so what is an agency’s obligation to decipher codes and fields and provide documentation? Who should bear the costs of translating information if it is otherwise unusable when received? These questions were raised by state and county officials. Counties contract with vendors to maintain their records from the registry of deeds, and vendors will not simply transfer documents to requesters from the vendors’ programs. A separate account would have to be established, so that the transfer would not endanger the safety or integrity of the original records. Some have questioned this process as well, because the documents that are released are

not original or “official” registry documents, which may not satisfy the purposes for which they were requested. Furthermore, the meaning of data may be lost in the transfer, and the only one that can make sense of it is the custodial agency. Although an agency has no obligation to create new documents, there is an expectation that a requester receive the data in the format requested if reasonable.

The Office of Information Technology and others are constantly looking at bulk data management and formatting changes to meet the needs of agencies. They are also constantly working on retention policies and ways to access and manipulate documents whose formats change over time. One of OIT’s jobs is to ensure that their operational system is responsive to requests. There already exists an enterprise data catalog created by InforME that is free and searchable by category and key word. This service might be a solution for simple requests for straightforward data sets.

There was Subcommittee consensus that public records, bulk or otherwise, are public and should be provided to the requester in a useable form and public records are not free – there are costs involved, which should also be reasonable.

- Protection of personal information that is not designated as confidential but is contained in databases that include public records

In the context of discussions about bulk records, the Subcommittee discussed Social Security Numbers (SSNs) that may be buried in public documents everywhere. The Subcommittee reviewed the recommended language of the Legislative Subcommittee that establishes that SSNs are not a public record without providing any confidentiality protection. Although the legislative proposal appears not to impose a duty to redact on the part of departments and agencies, some members expressed an interest in hearing the potential concerns of those departments, agencies and municipalities that would be affected. Although the Legislative Subcommittee supported this change, the Bulk Records Subcommittee felt that it was premature to send a legislative recommendation to the Advisory Committee with unresolved questions. The Subcommittee discussed having a public hearing to discuss the SSN issue and hear from interested parties (public and government), but was unable to do so this interim.

- Reasonable costs for copies when public records are requested in bulk
- Whether access or costs should be based on the intended or subsequent use of the information requested in bulk

One of the first issues that the Subcommittee discussed was that of “reasonable fees” for public records, including bulk records. The Subcommittee reviewed draft language that outlined the same process for determining reasonable fees for copies as was enacted into the Register of Deeds statutes in Title 33, §751, subsection 14 pursuant to Public Law 2009, c. 575. The draft incorporated language like that in Title 33 into Title 1, §408, subsection 3 dealing with payment of costs for records under the freedom of access laws. The Subcommittee solicited and received useful feedback from interested parties regarding the draft. Although some members wanted to

proceed with amending Title 1, the Subcommittee ultimately decided that because the litigation involving MacImage and the counties includes the court looking specifically at the issue of what are “reasonable fees,” it made sense to postpone making a recommendation. Members of the Subcommittee, as well as some interested parties, expressed concern that the current law is confusing, and amending it now with litigation pending might only add to the confusion. It makes sense to wait before recommending another statutory change, since the court’s decision might undo the law and require that the Advisory Committee revisit the issue all over again.

The Subcommittee agreed to provisionally approve the proposed language as drafted but to wait to move forward pending the outcome of the court case, and suggested that the Advisory Committee’s recommendations include informing the Legislature of this and suggesting that the Judiciary Committee revisit the issue of reasonable fees if the litigation is resolved during the First Regular Session of the 125th Legislature.

The Subcommittee looked at other states’ practices regarding restrictions on use of bulk records and heard from county and state officials on this point. Some felt that a public record, including bulk records, are public and once disseminated, the requester should be able to use the record(s) for any purpose. Others felt that it may be appropriate to draw distinctions. A number of states do impose restrictions on use and require that the requester sign a contract or otherwise agree to certain terms of use or face penalties. Others take the approach of not restricting use of a public record. Currently, some bulk records are collected and distributed for purposes like public safety (i.e., the sale of Secretary of State motor vehicle records to insurers), and others are collected for different purposes. The consensus of the Subcommittee appeared to be that bulk records are to be treated like any other public records, without restrictions on use, but again with the caveat that they are not free, and that it is reasonable for custodial agencies to charge for the costs of providing records.

- The appropriate role for InforME in responding to requests for public records in bulk

Kelly Hokkanen who administers InforME educated the Subcommittee about InforME’s Bulk Data Services. (*she distributed a handout – want to include in appendices?*) She explained that there are different kinds of requests ranging from individual records to batches of records, whole databases, and regular records updates to subscribers. Ms. Hokkanen also discussed the issue of persons who request a record under the freedom of access laws when the record is currently available for a fee under InforME. This led to further talks about what is subject to freedom of access and what is a bulk sale, and whether there should be any distinction or restrictions. The Subcommittee was not in agreement on the issues and recommends carrying this forward.

Beverly Bustin Hatheway, Register of Deeds for Kennebec County, noted that she has been looking at other states’ work in the area of creating and implementing bulk data policies and concluded that it takes years to create and implement such policies.

Ms. Black also recognized and thanked Ms. Hokkanen for all of her help creating the existing Maine Freedom of Access website at <http://www.maine.gov/foaa/>

See discussion of Advisory Committee recommendations in Section VI.

V. ACTIONS RELATED TO RIGHT TO KNOW ADVISORY COMMITTEE RECOMMENDATIONS CONTAINED IN FOURTH ANNUAL REPORT

The Right to Know Advisory Committee made several recommendations in its third annual report. The actions taken in 2009 as a result of those recommendations are summarized below.

<p>Recommendation: Continue, amend and repeal the specified existing public records exceptions in Titles 10 to 21-A</p>	<p>Action: The Judiciary Committee accepted all the recommendations of the Advisory Committee with regard to specific public records exceptions as proposed in LD 1792, enacted as Public Law 2009, chapter 567, except those relating to the Finance Authority of Maine.</p>
<p>Recommendation: Recommend again that the teacher confidentiality provisions in Title 20-A be amended with regard to the public disclosure of actions taken by the Department of Education on credentials of public school personnel, including the grounds for actions taken</p>	<p>Action: The Judiciary Committee accepted all the recommendation concerning release of information about disciplinary act by the Commissioner of Education. It is included as Section 10 of Public Law 2009, chapter 567.</p>
<p>Recommendation: Amend Title 1, chapter 13 to require that a minimum record be kept of all public proceedings</p>	<p>Action: The Advisory Committee’s recommendations were introduced as LD 1791. Concerns were raised about the proposal, and the issue was sent back to the Advisory Committee as Resolve 2009, chapter 186.</p>
<p>Recommendation: Add guidance for public officials on the use of e-mail communications outside of public</p>	<p>Action: The Frequently Asked Questions on the State’s freedom of access webpage www.maine.gov/foaa were revised to provide more guidance about avoiding inappropriate action outside of public meetings. But see LD 1551, An Act To Further</p>

<p>proceedings to the Frequently Asked Questions section of the freedom of access website</p>	<p>Regulate the Communications of Members of Public Bodies, which was finally passed as Resolve 2009, chapter 171, directing the Advisory Committee to take up the issue in 2010.</p>
<p>Recommendation: to the Health and Human Services Committee that the freedom of access laws not be amended to require hospital board meetings to be open to the public as proposed in LD 757, An Act to Improve the Transparency of Certain Hospital</p>	<p>Action: The Health and Human services Committee reported out LD 757 as Ought Not To Pass on January 20, 2010.</p>
<p>Recommendation: to the Judiciary Committee that no statutory changes be made relating to the public's access to salary information for public employees as proposed in LD 1353, An Act Concerning Salary Information of Public Employees</p>	<p>Action: The Judiciary Committee did not consider any statutory changes on this issue (LD 1353 was voted Ought Not To Pass in 2009, but the issue was sent to the Right to Know Advisory Committee to review and make recommendations).</p>
<p>Recommendation: Propose standard statutory language for use by the Judiciary Committee in reviewing proposed exceptions relating to the protection of information submitted by individuals and businesses applying for technical or financial assistance from government entities</p>	<p>Action: The Judiciary Committee accepted the drafting templates, but chose not to support the templates as applied to the confidentiality provisions of the Finance Authority of Maine. LD 1792 was enacted as Public Law 2009, chapter 567 without the Title 10 amendments and cross-references.</p>
<p>Recommendation: That the Advisory Committee continue discussion of the</p>	<p>Action: The Advisory Committee assigned these issues to Subcommittees in 2010 and recommendations are included in this report.</p>

following issues: the use of Social Security Numbers, the use of technology in public proceedings and requests for bulk electronic data	
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VI. RECOMMENDATIONS

During 2010, the Advisory Committee engaged in the following activities and makes the recommendations summarized below.

Continue, amend and repeal the following existing public records exceptions in Titles 22 through 25

As required by law, the Advisory Committee reviewed the existing public records exceptions identified in Title 22 through Title 25. The Advisory Committee's recommendations are summarized below.

The Advisory Committee recommends that the following exceptions in Titles 22 through 25 be continued without change.

- ◆ Title 22, section 17, subsection 7, relating to records of child support obligors
- ◆ Title 22, section 42, subsection 5, relating to DHHS records containing personally identifying medical information
- ◆ Title 22, section 261, subsection 7, relating to records created or maintained by the Maternal and Infant Death Review Panel
- ◆ Title 22, section 664, subsection 1, relating to State Nuclear Safety Program facility licensee books and records
- ◆ Title 22, section 666, subsection 3, relating to the State Nuclear Safety Program concerning the identity of a person providing information about unsafe activities, conduct or operation or license violation
- ◆ Title 22, section 811, subsection 6, relating to hearings regarding testing or admission concerning communicable diseases
- ◆ Title 22, section 815, subsection 1, relating to communicable disease information
- ◆ Title 22, section 824, relating to persons having or suspected of having communicable diseases
- ◆ Title 22, section 832, subsection 3, relating to hearings for consent to test for the source of exposure for a blood-borne pathogen
- ◆ Title 22, section 1064, relating to immunization information system
- ◆ Title 22, section 1233, relating to syphilis reports based on blood tests of pregnant women
- ◆ Title 22, section 1317-C, subsection 3, relating to information regarding the screening of children for lead poisoning or the source of lead exposure

- ◆ Title 22, section 1494, relating to occupational disease reporting
- ◆ Title 22, section 1596, relating to abortion and miscarriage reporting
- ◆ Title 22, section 1597-A, subsection 6, relating to a petition for a court order consenting to an abortion for a minor
- ◆ Title 22, section 2153-A, subsection 1, relating to information provided to the Department of Agriculture by the US Department of Agriculture, Food Safety and Inspection Service
- ◆ Title 22, section 2153-A, subsection 2, relating to information provided to the Department of Agriculture by the US Food and Drug Administration
- ◆ Title 22, section 2425, subsection 8, paragraph A, relating to information submitted by qualifying and registered patients under the Maine Medical Use of Marijuana Act
- ◆ Title 22, section 2425, subsection 8, paragraph B, relating to information submitted by primary caregivers and physicians under the Maine Medical Use of Marijuana Act
- ◆ Title 22, section 2425, subsection 8, paragraph C, relating to list of holders of registry identification cards under the Maine Medical Use of Marijuana Act
- ◆ Title 22, section 2425, subsection 8, paragraph F, relating to information contained in dispensary information that identifies a registered patient, the patient's physician and the patient's registered primary caregiver under the Maine Medical Use of Marijuana Act
- ◆ Title 22, section 2425, subsection 8, paragraph G, relating to information that identifies applicants for registry identification card, registered patients, registered primary caregivers and registered patients' physicians under the Maine Medical Use of Marijuana Act
- ◆ Title 22, section 2425, subsection 8, paragraph J, relating hearing on revocation of a registry identification card under the Maine Medical Use of Marijuana Act unless card is revoked
- ◆ Title 22, section 2698-A, subsection 7, relating to prescription drug marketing costs submitted to the Department of Health and Human Services
- ◆ Title 22, section 2698-B, subsection 5, relating to prescription drug information provided by the manufacturer to the Department of Health and Human Services concerning price
- ◆ Title 22, section 3474, subsection 1, relating to adult protective records
- ◆ Title 22, section 3762, subsection 3, relating to TANF recipients
- ◆ Title 22, section 4007, subsection 1-A, relating to a protected person's current or intended address or location in the context of child protection proceeding
- ◆ Title 22, section 4008, subsection 3-A, relating to the child death and serious injury review panel
- ◆ Title 22, section 4018, subsection 4, relating to information about a person delivering a child to a safe haven
- ◆ Title 22, section 4021, subsection 3, relating to information about interviewing a child without prior notification in a child protection case
- ◆ Title 22, section 4087-A, subsection 6, relating to information held by or records or case-specific reports maintained by the Child Welfare Ombudsman
- ◆ Title 22, section 4306, relating to general assistance
- ◆ Title 22, section 5328, subsection 1, relating to community action agencies' records about applicants and providers of services

- ◆ Title 22, section 7250, subsection 1, relating to the Controlled Substances Prescription Monitoring Program
- ◆ Title 22, section 7703, subsection 2, relating to facilities for children and adults
- ◆ Title 24, section 2302-A, subsection 3, relating to utilization review data provided by a nonprofit hospital or medical service organization
- ◆ Title 24, section 2307, subsection 3, relating to an accountant's work papers concerning a nonprofit hospital or medical service organizations
- ◆ Title 24, section 2986, subsection 2, relating to billing for forensic examinations for alleged victims of gross sexual assault
- ◆ Title 24, section 2986, subsection 3, relating to District Court hearings on storing or processing forensic examination kit of gross sexual assault
- ◆ Title 24-A, section 414, subsections 4 and 5, relating to insurance certificate of authority audit work papers
- ◆ Title 24-A, section 796-A, relating to proprietary business information of special purpose insurance vehicle filed with the Superintendent of Insurance
- ◆ Title 24-A, section 994, subsection 2, paragraph A, and subsection 4 relating to property and casualty actuarial report, work papers or actuarial opinion summary in possession or control of Bureau of Insurance
- ◆ Title 24-A, section 1905, subsection 1, relating to credit and investigative reports concerning insurance administrator applicants
- ◆ Title 24-A, section 1911, relating to insurance audits and examinations
- ◆ Title 24-A, section 2187, subsection 6, relating to insurance fraud reporting
- ◆ Title 24-A, section 2204, subsection 4, relating to insurance investigative information (definition)
- ◆ Title 24-A, section 2384-B, subsection 8, relating to workers' compensation insurance rating concerning claims and self-insurance
- ◆ Title 24-A, section 2384-C, subsection 7, relating to workers' compensation insurance concerning claims and self-insurance
- ◆ Title 24-A, section 2483, subsection 6, relating to the Interstate Insurance Product Regulation Commission work papers and individuals privacy and proprietary information of insurers
- ◆ Title 24-A, section 2736, subsection 2, relating to rate filings on individual health insurance policies
- ◆ Title 24-A, section 2749, subsection 3, relating to utilization review data for health insurance contracts
- ◆ Title 24-A, section 2808-B, subsection 2-A, relating to rate filings for small group health plans
- ◆ Title 24-a, section 2847, subsection 3, relating to utilization review data for group and blanket health insurance
- ◆ Title 24-A, section 4224, subsections 1 and 2, relating to quality assurance committees of health maintenance organizations
- ◆ Title 24-A, section 4228, subsection 3, relating to utilization review data for health maintenance organizations
- ◆ Title 24-A, section 4233, subsection 2, relating to health maintenance organizations work papers filed with the Superintendent of Insurance

- ◆ Title 24-A, section 4406, subsection 3, relating to delinquent insurers
- ◆ Title 24-A, section 4612-A, subsection 1, relating to information reported by the Superintendent of Insurance to the National Association of Insurance Commissioners Insurance Regulatory Information System Board
- ◆ Title 24-A, section 6715, relating to captive insurance companies information submitted to the Superintendent of Insurance
- ◆ Title 24-A, section 6907, subsection 2, relating to health information obtained by Dirigo Health covered by the federal Health Insurance Portability and Accountability Act of 1996, or c. 24, or T.22 section 1711-C
- ◆ Title 24-A, section 6907, subsection 3, relating to practitioner-specific quality data collected, used, produced or maintained for measuring the professional performance of a health care practitioner by the Maine Quality Forum
- ◆ Title 24-A, section 6907, subsection 1, relating to personally identifiable financial information obtained by Dirigo Health
- ◆ Title 25, section 1577, subsection 1, relating to the state DNA data base and the state DNA data bank
- ◆ Title 25, section 2006, relating to concealed firearms permit applications
- ◆ Title 25, section 2413, subsection 1, relating to information received under the Arson Reporting Immunity Act
- ◆ Title 25, section 2806, subsection 8, relating to proceedings of the board of trustees of the Maine Criminal Justice Academy concerning complaints of misconduct of law enforcement officers
- ◆ Title 25, section 2957, relating to Maine Drug Enforcement Agency investigative records

The Advisory Committee recommends, with one dissenting vote, that the following exceptions in Titles 22 through 25 be continued without change.

- ◆ Title 24-A, section 222, subsection 13, relating to insurance information filed with the Superintendent of Insurance concerning registration statements, tender offers, requests or invitations for tender offers, options to purchase, agreements
- ◆ Title 24-A, section 423-C, subsection 4, relating to insurance reports of material transactions
- ◆ Title 24-A, section 1420-N, subsection 6, relating to insurers and producers
- ◆ Title 24-A, section 2169-B, subsection 6, insurance scoring model
- ◆ Title 24-A, section 2304-A, subsection 7, relating to insurance rate filings
- ◆ Title 24-A, section 2304-C, subsection 3, relating to physicians and surgeons liability insurance rate filings
- ◆ Title 24-A, section 2412, subsection 8, relating to insurance contracts and forms
- ◆ Title 24-A, section 4245, subsections 1 and 3, relating to health maintenance organizations accreditation survey report
- ◆ Title 24-A, section 6458, subsection 1, relating to risk-based capital standards for insurers
- ◆ Title 24-A, section 6708, subsection 2, relating to examination of captive insurance companies documents

- ◆ Title 24-A, section 6807, subsection 7, paragraph A, relating to individual identification data of viators (suggested review by IFS Committee)
- ◆ Title 24-A, section 6818, subsections 6 and 8, relating to fraudulent viatical or life insurance settlements information provided for enforcement
- ◆ Title 25, section 2929, subsections 1, 2, 3 and 4, relating to emergency services communications

The Advisory Committee recommends a substantive statutory change to the following public records exception. See draft legislation in Appendix C.

- ◆ Title 24-A, section 2325-B, subsection 9, relating to mandatory property and casualty insurance market assistance program policy form and rate filings

The Advisory Committee recommends a statutory change, not intended to effect a substantive change, to the following public records exceptions in order to make confidentiality language as consistent as possible throughout the statutes. See draft legislation in Appendix C.

- ◆ Title 24, section 2329, subsection 8, relating to alcoholism and drug treatment patient records of nonprofit hospitals and medical service organizations
- ◆ Title 24-A, section 225, subsection 3, relating to insurance examination reports
- ◆ Title 24-A, section 226, subsection 2, relating to insurance examination reports furnished to the Governor, the Attorney General and the Treasurer of State pending final decision
- ◆ Title 24-A, section 227, relating to information pertaining to individuals in insurance examination reports
- ◆ Title 24-A, section 2323, subsection 4, relating to reports of insurers concerning loss and expense experience
- ◆ Title 24-A, section 2842, subsection 8, relating to alcoholism and drug treatment patient records for group and blanket health insurance

The Advisory Committee recommends, with one dissenting vote, a statutory change, not intended to effect a substantive change, to the following public records exceptions in order to make confidentiality language as consistent as possible throughout the statutes. See draft legislation in Appendix C.

- ◆ Title 24-A, section 952-A, subsection 4, relating to actuarial opinion of reserves

The Right to Know Advisory Committee recommends that the following statutory sections be repealed as the entire sections are no longer necessary. See draft legislation in Appendix C.

- ◆ Title 22, section 1065, subsection 3, relating to manufacturer and distributor reports on distribution of influenza immunizing agents
- ◆ Title 24-A, section 2315, relating to information submitted to fire insurance advisory organizations

The Advisory Committee tabled consideration of the following exceptions.

- ◆ Criminal History Record Information Act, Title 16, chapter 3, subchapter 8
- ◆ Title 22, section 1555-D, subsection 1, relating to lists maintained by the Attorney General of known unlicensed tobacco retailers
- ◆ Title 22, section 1696-D, relating to the identity of chemical substances in use or present at a specific location if the substance is a trade secret
- ◆ Title 22, section 1696-F, relating to the identity of a specific toxic or hazardous substance if the substance is a trade secret
- ◆ Title 22, section 1711-C, subsection 2, relating to hospital records concerning health care information pertaining to an individual
- ◆ Title 22, section 1828, relating to Medicaid and licensing of hospitals, nursing homes and other medical facilities and entities
- ◆ Title 22, 1848, subsection 1, relating to documents and testimony given to Attorney General under Hospital and Health Care Provider Cooperation Act
- ◆ Title 22, section 2706, relating to prohibition on release of vital records in violation of section; recipient must have “direct and legitimate interest” or meet other criteria
- ◆ Title 22, section 2706-A, subsection 6, relating to adoption contact files
- ◆ Title 22, section 2769, subsection 4, relating to adoption contact preference form and medical history form
- ◆ Title 22, section 3022, subsections 8, 12 and 13, relating to medical examiner information
- ◆ Title 22, section 3034, subsection 2, relating to the Chief Medical Examiner missing persons files
- ◆ Title 22, section 3188, subsection 4, relating to the Maine Managed Care Insurance Plan Demonstration for uninsured individuals
- ◆ Title 22, section 3192, subsection 13, relating to Community Health Access Program medical data
- ◆ Title 22, section 4008, subsection 1, relating to child protective records
- ◆ Title 22, section 7703, subsection 2, relating to facilities for children and adults
- ◆ Title 22, section 8754, relating to medical sentinel events and reporting
- ◆ Title 22, section 8824, subsection 2, relating to the newborn hearing program
- ◆ Title 22, section 8943, relating to the registry for birth defects
- ◆ Title 23, section 63, relating to records of the right-of-way divisions of the Department of Transportation and the Maine Turnpike Authority
- ◆ Title 23, section 1980, subsection 2-B, relating to recorded images used to enforce tolls on the Maine Turnpike
- ◆ Title 23, section 1982, relating to patrons of the Maine Turnpike

- ◆ Title 23, section 4251, subsection 10, relating to records in connection with public-private transportation project proposals of at least \$25,000,000 or imposing new tolls
- ◆ Title 23, section 8115, relating to the Northern New England Passenger Rail Authority

The Advisory Committee also recommends that the Judiciary Committee consider a comprehensive review of the statutes that protect information not only from public access but also from access through subpoena. The Advisory Committee raises the question of whether there should be a consistent policy with regard to when information is neither public accessible nor available in court proceedings.

The Advisory Committee recommends that the Insurance and Financial Services Committee keep in mind that the examination reports of viatical or life settlement companies are not public records, and are therefore treated differently than all other insurance examination reports prepared by the Bureau of Insurance. Because the laws are recently amended, a review of the issue in a year or two may be appropriate.

- Amend the freedom of access statute to clearly state that all forms of communications, including electronic mail, not be used to defeat the purposes of the freedom of access laws**

The Advisory Committee finds that it is important to make clear that any type of communication among members of a public body that occurs outside of a public meeting is prohibited if it circumvents the purposes of the freedom of access laws: Deliberations must be conducted openly, and actions must be taken openly. The Advisory Committee recommends that the policy section be amended to clearly state that outside communications may not be used to defeat the purposes of the chapter. See draft legislation in Appendix D.

- Retain the existing penalty provisions of the freedom of access laws** (do we want to include “no action” recommendations?)

The Advisory Committee does not recommend any statutory change to the existing penalties provisions at this time, preferring to continue to rely on better education about the rights and responsibilities under the freedom of access laws.

- Do not address the application of the freedom of access laws to partisan caucuses**

The Advisory Committee does not recommend any statutory change addressing whether partisan caucuses should be considered “public proceedings.”

- Include a simple but noticeable statement on all State webpages that all aspects of communications with the State, including an individual's e-mail address, may be considered public records**

The Advisory Committee recommends that all State webpages include a notice that is easily seen and understood that all aspects of communications with the State, including e-mail addresses, may be considered public information. Local governments should consider the same precautions to make their constituents aware of the possibility that information provided via the Internet may be accessible as public records. Both the Office of Information Technology and InforME may have important roles implementation.

- Retain the Central Voter Registry System's confidentiality provisions as enacted by Public Law 2009, chapter 564**

The Advisory Committee is satisfied with the balance of confidentiality and public access to information contained in the Central Voter Registry System and does not recommend statutory changes.

- Amend the freedom of access laws to clarify the Social Security Numbers are not public records (Bulk Records Subcommittee concerns?)**

The Advisory Committee recommends that the freedom of access laws be amended to clarify that Social Security Numbers are not public records. See draft legislation in Appendix D.

- Enact legislation governing the participation in meetings by members of public bodies using technology (not unanimous; what to do about FAME, Emergency Medical Services Board, Ethics Commission, Workers' Comp Board comments?)**

A majority of the Advisory Committee recommends that new language be adopted to specifically allow the participation in meetings of public bodies by members of those public bodies who are not physically present. The silence in the general law with regard to establishing a quorum or voting using a conference call or other technology has led to the interpretation that only members physically present can be counted towards a quorum, and only those present can vote. The proposed language allows participation by members from remote locations only if a quorum is physically present, and provides other limitations and protections. See draft legislation in Appendix D.

- Enact legislation to require records of public proceedings**

A majority of the Advisory Committee recommends enactment of a statutory requirement that a record be kept of all public proceedings for which notice is required to be given. The record can

be in writing or any other medium, and is subject to the existing record retention requirements for that type of records. The information to be recorded is limited to: the date, time and place of the public proceeding; the members of the body holding the public proceeding, recorded as either present or absent; and all motions and votes taken, by individual members if there is a roll call vote. Failure to make or retain the record as required does not effect the validity of any actions taken. The requirements do not apply to public bodies whose purpose is advisory only, and have no decision-making authority. See draft legislation in Appendix D.

Enact legislation to expand the scope of the process of reviewing proposed public records exceptions to include access issues

The Advisory Committee recommends that the review and evaluation process for proposed public records exceptions, and existing public records exceptions, as well, be expanded to include consideration of other possible limitation of access factors. These limiting factors may include costs, request procedures and timeliness of responses. See draft legislation in Appendix D.

Expand FOA training to appointed clerks (Pending Legislative Committee discussion and Advisory Committee discussion)

Make improvements to the State's Freedom of Access Website www.maine.gov/foaa

The Advisory Committee recommends that the State's Freedom of Access Website be improved, based on the suggestions made by Sean O'Mara, a third-year student at the Maine School of Law, who served as an extern with the Right to Know Advisory Committee for the Fall Semester of 2010. See Appendix E.

Support establishment of a project to provide FOA services to the public

The Advisory Committee recommends continued support of the effort to provide services concerning the freedom of access laws to the public. Mr. O'Mara developed several options for providing these reference services. See Appendix F.

Continue work on public records exceptions templates, the Criminal History Record Information Act confidentiality/public access provisions, and the myriad of issues involved in public access to bulk records

The Advisory Committee will continue with the development of revised standard drafting templates for statutes that protect information filed in seeking technical or financial assistance from the State. The redraft of the Criminal History Record Information Act prepared by the

Criminal Law Advisory Commission, and the changes recommended by the Judicial Branch's TECRA Implementation Group, should be available for review by the Advisory Committee by the beginning of 2011. Once the courts have resolved the legal questions in the MacImage case, the Advisory Committee will be better able to address the increasingly complex questions about the application of the freedom of access laws to requests for bulk records.

VII. FUTURE PLANS

In 2011, the Right to Know Advisory Committee will continue to provide assistance to the Judiciary Committee relating to proposed legislation affecting public access and the recommendations of the Advisory Committee for existing public records exceptions in Titles 22 through 25. The Advisory Committee looks forward to a full year of activities and working with the Governor, the Legislature and the Chief Justice of the Maine Supreme Judicial Court to implement the recommendations contained in its fourth annual report.

DRAFT

APPENDIX A

Authorizing Legislation, 1 MRSA §411

DRAFT

APPENDIX B

Membership list, Right to Know Advisory Committee

DRAFT

APPENDIX C

Recommendations for Statutory Changes to Public Records Exceptions, Titles 22 - 25

DRAFT

APPENDIX D

Recommended Draft Legislation

DRAFT

APPENDIX E

Recommendations for improvements to the State's Freedom of Access webpage

DRAFT

APPENDIX F

Options to delivery freedom of access services to the public

Right to Know Advisory Committee
Legislative Subcommittee recommendation (divided)
DRAFT: Confidential communications

Sec. 1. 1 MRSA §402, sub-§3, ¶C-1 is enacted to read:

(The following are not public records:)

C-1. Information contained in a communication between a constituent and an elected official if the information:

(1) Is of a personal nature, consisting of:

(a) An individual's medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(b) Credit and financial information;

(c) Information pertaining to the personal history, general character or conduct of the person or any member of the person's immediate family;

(d) Complaints, charges of misconduct, replies to complaints and charges of misconduct and memoranda and other materials pertaining to disciplinary action; or

(e) An individual's Social Security number; or

(2) Would be confidential if it were in the possession of another public agency or official.