

## §1052. Confidentiality

All reports, information or records compiled by the board or the department pursuant to this subchapter regarding noncompliance with or violation of this chapter by an applicant, licensee, owner or key executive are confidential, except that the board may disclose any confidential information as follows. [PL 2005, c. 11, §2 (AMD).]

**1. Hearings or proceedings.** Confidential information may be released in an adjudicatory hearing or informal conference before the board or in any subsequent formal proceeding to which the information is relevant.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**2. Consent agreements or settlements.** Confidential information may be released in a consent agreement or other written settlement when the information constitutes or pertains to the basis of board action.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**3. During investigation.** All complaints and investigative records of the board are confidential during the pendency of an investigation. Notwithstanding section 1006, the complaints and records become public records upon the conclusion of an investigation unless confidentiality is required by some other provision of law. For purposes of this subsection, an investigation is concluded when:

A. A notice of an adjudicatory hearing as defined under Title 5, chapter 375, subchapter 1 has been issued; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. A consent agreement has been executed; or [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. A letter of dismissal has been issued or the investigation has otherwise been closed. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

[PL 2005, c. 11, §3 (AMD).]

**4. Exceptions.** Notwithstanding subsection 3, during the pendency of an investigation, a complaint or investigative record may be disclosed:

A. To the department; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. To other state or federal agencies when the record contains evidence of possible violations of laws, rules or regulations enforced by those agencies or as the board or the board's designee considers appropriate; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. When and to the extent considered necessary by the director to avoid imminent and serious harm. The authority of the director to make such a disclosure may not be delegated; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

D. Pursuant to rules adopted by the board, when it is determined that confidentiality is no longer warranted due to general public knowledge of the circumstances surrounding the complaint or investigation and when the investigation would not be prejudiced by the disclosure; or [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

E. To the person investigated on request of that person. The director may refuse to disclose part or all of any investigative information, including the existence of an investigation if the director determines that disclosure would prejudice the investigation. The authority of the director to make such a determination may not be delegated. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

### SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2005, c. 11, §§2,3 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.