

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 35

S.P. 43

In Senate, January 13, 2021

**An Act To Facilitate Interagency Sharing of Information and
Academic Research by Allowing Disclosure of Certain Confidential
Information in Wood Processor and Forest Landowner Reports**

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Received by the Secretary of the Senate on January 11, 2021. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DILL of Penobscot.

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

2 **Sec. 1. 12 MRSA §8884, sub-§3-A** is enacted to read:

3 **3-A. Disclosure of confidential information.** Notwithstanding subsection 3,
4 confidential information may be disclosed pursuant to this subsection.

5 A. The director of the bureau may disclose information designated as confidential
6 under subsection 3 to a governmental entity or the University of Maine System when
7 that entity or the system, in the opinion of the director, requires that information.

8 B. The director of the bureau may not disclose information furnished by a state or
9 federal agency when that information has been designated as confidential by the
10 furnishing agency unless the furnishing agency authorizes the disclosure.

11 A recipient of information pursuant to paragraph A or B may not disclose the information
12 or use the information except as authorized by the director of the bureau, and the
13 information remains the property of the bureau.

14 **Sec. 2. 12 MRSA §8884, sub-§4,** as enacted by PL 2003, c. 452, Pt. F, §45 and
15 affected by Pt. X, §2, is repealed and the following enacted in its place:

16 **4. Penalties.** A person who:

17 A. Fails to submit a report pursuant to this section commits a civil violation for which
18 a fine of not more than \$1,000 for each failure may be adjudged; or

19 B. Receives confidential information pursuant to subsection 3-A and uses that
20 information for a purpose other than that authorized by the director of the bureau
21 commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

22 **Sec. 3. 12 MRSA §8885, sub-§5,** as enacted by PL 1989, c. 555, §12 and affected
23 by c. 600, Pt. B, §11, is repealed and the following enacted in its place:

24 **5. Disclosure of confidential information.** Notwithstanding subsection 4,
25 confidential information may be disclosed pursuant to this subsection.

26 A. The director of the bureau may disclose information designated as confidential
27 under subsection 4 to a governmental entity or the University of Maine System when
28 that entity or the system, in the opinion of the director, requires that information.

29 B. The director of the bureau may not disclose information furnished by a state or
30 federal agency when that information has been designated as confidential by the
31 furnishing agency unless the furnishing agency authorizes the disclosure.

32 A recipient of information pursuant to paragraph A or B may not disclose the information
33 or use the information except as authorized by the director of the bureau, and the
34 information remains the property of the bureau.

35 This section may not be construed to prevent the disclosure of information to duly
36 authorized officers of the United States and of other states, districts and territories of the
37 United States and of the provinces and Dominion of Canada. The information may be
38 given only on the written request of the duly authorized officer when that officer's
39 government permits the exchange of similar information with the taxing officials of this
40 State and when that officer agrees that the information will be used only for tax collection
41 purposes.

1 **Sec. 4. 12 MRSA §8885, sub-§6,** as enacted by PL 2003, c. 452, Pt. F, §48 and
2 affected by Pt. X, §2, is repealed and the following enacted in its place:

3 **6. Penalties.** A person who:

4 A. Fails to submit a report pursuant to this section commits a civil violation for which
5 a fine of not more than \$1,000 for each failure may be adjudged; or

6 B. Receives confidential information pursuant to subsection 5 and uses that
7 information for a purpose other than that authorized by the director of the bureau
8 commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

9 **SUMMARY**

10 This bill authorizes the Director of the Bureau of Forestry within the Department of
11 Agriculture, Conservation and Forestry to share wood processor report and forest
12 landowner report information currently designated as confidential with other governmental
13 agencies and the University of Maine System if, in the opinion of the director, the entity
14 requires the information. It prohibits the director from disclosing information furnished by
15 a state or federal agency when that information has been designated as confidential by the
16 furnishing agency unless the furnishing agency authorizes the disclosure. It provides that
17 a recipient of confidential information may not disclose the information or use the
18 information except as authorized by the director and that the information remains the
19 property of the bureau. It also provides that a person who receives confidential information
20 and uses it for a purpose other than that authorized by the director commits a civil violation
21 punishable by a fine of not more than \$1,000.