

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 101

H.P. 66

House of Representatives, January 8, 2025

An Act Regarding Public Records and Fees for Requesting Public Records from the Department of Inland Fisheries and Wildlife

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.
Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered
printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ROBERTS of South Berwick.

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

2 **Sec. 1. 12 MRSA §10103, sub-§12**, as enacted by PL 2003, c. 414, Pt. A, §2 and
3 affected by c. 614, §9, is repealed.

4 **Sec. 2. 12 MRSA §10103, sub-§13** is enacted to read:

5 **13. Public records retention; fees for public records requests; confidentiality of**
6 **e-mail addresses.** The following provisions govern the commissioner's duties in respect
7 to the public records produced and maintained by the department.

8 A. The commissioner shall comply with any program or guidance established and
9 administered by the State Archivist pursuant to Title 5, section 95-C, subsection 2 in
10 respect to management of department records, including guidance requiring the
11 department to maintain a records retention schedule for all records the department
12 creates, including, but not limited to, applications, licenses, registrations, permits,
13 reports, summonses and warnings. The commissioner may collect and maintain other
14 records and information related to other functions of the department, including the
15 enforcement of civil violations.

16 B. The commissioner shall collect and maintain criminal history record information
17 related to violations of this Part.

18 C. The commissioner shall provide access to public records maintained by the
19 department in the same manner as required pursuant to Title 1, section 408-A unless
20 an exemption established in paragraph D or E applies.

21 D. Notwithstanding the fees established in Title 1, section 408-A, subsection 8, the
22 department may charge a fee of \$5 per record for providing individual copies of
23 applications, licenses, registrations, permits and recreational vehicle crash reports
24 maintained by the department when there is a request made to the department.

25 E. Notwithstanding the fees established in Title 1, section 408-A, subsection 8, the
26 department may charge to individuals, businesses and other entities that make a request
27 to the department a fee of 3 cents per name or per record to provide a spreadsheet or
28 list of records pertaining to applications, licenses, registrations, permits and
29 recreational vehicle crash reports, except that requests made under this paragraph are
30 subject to a minimum fee of \$10 regardless of the number of names or records that are
31 a part of the request.

32 F. Fees charged pursuant to paragraphs D and E apply to electronic and paper copies
33 of records, copies of records that are notarized and copies that are not notarized. Fees
34 charged pursuant to paragraphs D and E are subject to sales tax in accordance with
35 Title 36, section 1811.

36 G. The commissioner shall allow an applicant for a hunting or fishing license to
37 indicate that the applicant's e-mail address is confidential. If a person indicates that the
38 person's e-mail address submitted as part of the application process for a hunting or
39 fishing license is confidential as provided in this paragraph, that information is
40 confidential. E-mail addresses designated as confidential under this paragraph are not
41 confidential to department personnel or law enforcement officers or for purposes of
42 court proceedings.

1 The department shall adopt rules to establish a fee schedule and procedures governing this
2 subsection. Rules adopted pursuant to this subsection are routine technical rules pursuant
3 to Title 5, chapter 375, subchapter 2-A.

4 **Sec. 3. 12 MRSA §10110**, as enacted by PL 2011, c. 185, §1, is repealed.

5 **Sec. 4. 36 MRSA §1752, sub-§11, ¶A**, as amended by PL 2007, c. 437, §10, is
6 further amended by amending subparagraph (3) to read:

7 (3) A sale in the ordinary course of business by a retailer to a purchaser who is not
8 engaged in selling that kind of tangible personal property or taxable service in the
9 ordinary course of repeated and successive transactions of like character; ~~and~~

10 **Sec. 5. 36 MRSA §1752, sub-§11, ¶A**, as amended by PL 2007, c. 437, §10, is
11 further amended by enacting a new subparagraph (3-A) to read:

12 (3-A) The delivery of records, spreadsheets or lists of records requested pursuant
13 to Title 12, section 10103, subsection 13, paragraph D or E to a person requesting
14 those records, spreadsheets or lists in exchange for the fees established pursuant to
15 Title 12, section 10103, subsection 13, paragraph D or E; and

16 **Sec. 6. 36 MRSA §1752, sub-§14, ¶B**, as amended by PL 2023, c. 643, Pt. H,
17 §§14 to 18 and affected by §29 and amended by c. 673, §§14 to 18 and affected by §28, is
18 further amended by amending subparagraph (11) to read:

19 (11) Any charge, deposit, fee or premium imposed by a law of this State, except
20 for the fees established pursuant to Title 12, section 10103, subsection 13,
21 paragraph D or E;

22 SUMMARY

23 This bill creates an exception from the provisions of the Freedom of Access Act that
24 govern the fees that an agency may charge to a person requesting public records and allows
25 the Department of Inland Fisheries and Wildlife to charge a separate fee of \$5 per record
26 for copies of applications, licenses, registrations, permits and recreational vehicle crash
27 reports and 3 cents per name or per record, with a minimum charge of \$10, for spreadsheets
28 and lists of records related to applications, licenses, registrations, permits and recreational
29 vehicle crash reports. These fees are subject to sales tax. The bill modifies the provisions
30 of tax law defining "retail sale" and "sales price" to facilitate applying a sales tax to these
31 fees.

32 The bill also makes other changes to the laws governing the Department of Inland
33 Fisheries and Wildlife to clarify and reorganize provisions related to public records
34 maintained by the department.