

MAINE STATE LEGISLATURE

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Date: 5/7/25

(Filing No. H-114)

Minority

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 271, L.D. 417, "An Act Regarding the Confidentiality of Certain Records Belonging to the Department of Agriculture, Conservation and Forestry Related to the Bureau of Forestry"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Confidentiality of Certain Records Belonging to the Bureau of Forestry'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 12 MRSA §8007 is enacted to read:

§8007. Confidentiality of complaints and investigative records related to forest products harvesters or haulers

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Conclusion of an investigation" means that an investigation has been closed or one of the following events has occurred with respect to the investigation:

(1) A notice of an adjudicatory hearing under Title 5, chapter 375, subchapter 4 has been issued;

(2) A consent agreement has been executed; or

(3) An enforcement proceeding has been filed in a court of competent jurisdiction.

B. "Forest products harvester or hauler" has the same meaning as in Title 26, section 3701, subsection 4.

2. Records obtained during an investigation or through provision of services to forest products harvesters or haulers. Records of the bureau are confidential if:

A. The records are obtained during an investigation of a complaint related to a provision of or suspected violation of this Part by a forest products harvester or hauler; or

B. The records are obtained in connection with providing a service to a forest products harvester or hauler consistent with the bureau's duties pursuant to this Part.

Records obtained during an investigation of a complaint related to a provision of or suspected violation of this Part become public upon conclusion of an investigation unless the records are otherwise classified as confidential by any other provision of law.

3. Exceptions. Notwithstanding subsection 2, during the pendency of an investigation, a complaint or investigative record may be disclosed:

A. To bureau employees designated by the director;

B. By a bureau employee when and to the extent considered necessary to facilitate the investigation;

C. To other state or federal agencies when the records contain evidence of possible violations of laws enforced by those agencies;

D. When and to the extent disclosure is considered necessary by the director to avoid imminent and serious harm. The authority of the director to make a disclosure pursuant to this paragraph may not be delegated; and

E. To a person being investigated on that person's request. The director may refuse to disclose part or all of any investigative information, including the fact of an investigation, when the director determines that disclosure would prejudice the investigation. The authority of the director to make such a determination may not be delegated.

4. Attorney General records. The disclosure of investigative records of the Department of the Attorney General to a bureau employee designated by the director does not constitute a waiver of the confidentiality of those records for any other purposes. Further disclosure of those investigative records is subject to Title 16, section 804 and the discretion of the Attorney General.

5. Violation. A person who knowingly or intentionally makes a disclosure of records in violation of this section commits a civil violation for which a fine not to exceed \$1,000 may be adjudged.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report, replaces the bill and clarifies that provisions governing the confidentiality of records apply to records belonging to the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry. The amendment also narrows the scope of the bill to apply to records associated with investigations of complaints and suspected violations of the Maine Revised Statutes, Title

COMMITTEE AMENDMENT "^A" to H.P. 271, L.D. 417

1 12, Part 11 by a forest products harvester or hauler and records belonging to the bureau that
2 are obtained in connection with providing a service to forest products harvesters or haulers.

3 **FISCAL NOTE REQUIRED**

4 (See attached)



Approved: 03/11/25 **LRL**

132nd MAINE LEGISLATURE

LD 417

LR 371(02)

An Act Regarding the Confidentiality of Certain Records Belonging to the Department of Agriculture, Conservation and Forestry Related to the Bureau of Forestry

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-114)
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund
Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time. The collection of additional fines will increase General Fund or other dedicated revenue by minor amounts.

Fiscal Detail and Notes

Any additional costs to the Department of the Attorney General or the Department of Agriculture, Conservation and Forestry associated with this legislation are expected to be minor and can be absorbed within existing budgeted resources.