

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1824

S.P. 711

In Senate, April 29, 2025

An Act to Prohibit the Public Release of Information Regarding a Railroad Fatality

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator RAFFERTY of York.
Cosponsored by Representative LYMAN of Livermore Falls and
Senators: BALDACCI of Penobscot, TIMBERLAKE of Androscoggin.

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

2 **Sec. 1. 1 MRSA §402, sub-§3, ¶U**, as amended by PL 2023, c. 618, §1, is further
3 amended to read:

4 U. Records provided by a railroad company pursuant to Title 23, section 7311,
5 subsection 5 and records describing hazardous materials transported by the railroad
6 company in this State, the routes of hazardous materials shipments and the frequency
7 of hazardous materials operations on those routes that are in the possession of a state
8 or local emergency management entity or law enforcement agency, fire department or
9 other first responder, except that records related to a train carrying hazardous materials
10 that has derailed at any point from a main line train track or related to a discharge of
11 hazardous materials transported by a railroad company that poses a threat to public
12 health, safety and welfare are subject to public disclosure after that discharge. For the
13 purposes of this paragraph, "hazardous material" has the same meaning as set forth in
14 49 Code of Federal Regulations, Section 105.5; ~~and~~

15 **Sec. 2. 1 MRSA §402, sub-§3, ¶V**, as enacted by PL 2017, c. 118, §3, is amended
16 to read:

17 V. Participant application materials and other personal information obtained or
18 maintained by a municipality or other public entity in administering a community well-
19 being check program, except that a participant's personal information, including health
20 information, may be made available to first responders only as necessary to implement
21 the program. For the purposes of this paragraph, "community well-being check
22 program" means a voluntary program that involves daily, or regular, contact with a
23 participant and, when contact cannot be established, sends first responders to the
24 participant's residence to check on the participant's well-being; and

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

26 W. Notwithstanding any provision of Title 23, section 7311 to the contrary, during the
27 course of an investigation of an accident resulting in a fatality involving a railroad or
28 railroad line, reports of a law enforcement agency regarding that accident and all
29 records of communication between the law enforcement agency and a railroad
30 company employee involved in that accident. A law enforcement agency that responds
31 to the accident shall maintain such reports and records in a manner that ensures
32 confidentiality of the reports and records, except that the reports and records may be
33 accessible at all reasonable times, upon written request, to:

34 (1) A railroad company responsible for the railroad or railroad line on which the
35 accident occurred;

36 (2) A railroad company whose employee is identified in a report or record; and

37 (3) Any other person authorized by judicial order to obtain the reports or records
38 under this paragraph if access to the report or record is necessary in the
39 performance of the person's duties.

40 The reports and records under this paragraph must be accessible at all reasonable times,
41 upon written or e-mail request to law enforcement agencies, district attorneys and
42 assistant district attorneys.

For the purposes of this paragraph, "railroad" has the same meaning as in Title 23, section 5001, subsection 1; "railroad company" has the same meaning as in Title 23, section 5001, subsection 2; and "railroad line" has the same meaning as in Title 23, section 7152, subsection 3.

SUMMARY

This bill excludes from the definition of "public record" reports of a law enforcement agency regarding an accident resulting in a fatality involving a railroad or railroad line and all records of communication between the law enforcement agency and a railroad company employee involved in that accident. The exclusion applies only during the course of an investigation of such an accident. The bill provides certain exceptions to the confidentiality of the reports and records.