

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1828

H.P. 1223

House of Representatives, April 29, 2025

### **An Act to Implement the Recommendations of the Right to Know Advisory Committee Concerning Public Records Exceptions**

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Reported by Representative KUHN of Falmouth for the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

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

ROBERT B. HUNT  
Clerk

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

2 **Sec. 1. 25 MRSA §2006**, as repealed and replaced by PL 2013, c. 54, §1, is amended  
3 to read:

4 **§2006. Access to information and proceedings**

5 **1. Application, refusals and collected information; proceedings.** All applications  
6 for a permit to carry concealed handguns and documents made a part of the application,  
7 refusals and any information of record collected by the issuing authority during the process  
8 of ascertaining whether an applicant is of good moral character and meets the additional  
9 requirements of sections 2003 and 2005 are confidential ~~and are not public records for the~~  
10 ~~purposes of Title 1, chapter 13, subchapter 4.~~ The applicant may waive this confidentiality  
11 by written notice to the issuing authority. All proceedings relating to the issuance, refusal,  
12 suspension or revocation of a permit to carry concealed handguns are not public  
13 proceedings under Title 1, chapter 13, unless otherwise requested by the applicant.

14 **2. Permanent record of permit.** The issuing authority shall make a permanent record  
15 of each permit to carry concealed handguns in a suitable book or file kept for that purpose.  
16 The record must include the information contained in the permit itself. The record is  
17 confidential except that the following information about each permit holder is not  
18 confidential ~~and is a public record~~:

- 19 A. The municipality of residence;  
20 B. The date the permit was issued; and  
21 C. The date the permit expires.

22 This subsection does not limit disclosure of confidential information for criminal justice  
23 purposes or permitting purposes to law enforcement officers and issuing authorities.

24 **Sec. 2. 26 MRSA §1085, sub-§4**, as enacted by PL 2019, c. 644, §4, is amended to  
25 read:

26 **4. Confidentiality.** All information obtained by the bureau pursuant to this section is  
27 confidential ~~and not a public record as defined in Title 1, section 402, subsection 3.~~ The  
28 information may be used only for making decisions regarding the suitability of an affected  
29 person for new or continued employment with the bureau, to provide services to the bureau  
30 under an identified contract or to access federal tax information obtained from the bureau.

31 **Sec. 3. 27 MRSA §86-B**, as enacted by PL 2013, c. 205, §1, is amended to read:

32 **§86-B. Confidentiality of certain research and personal information**

33 **1. Draft research and materials.** Museum draft research, publications and exhibit  
34 materials, including scientific, archaeological and historical findings, are confidential ~~and~~  
35 ~~not public records for the purposes of Title 1, chapter 13, subchapter 4~~ until complete and  
36 presented to the public. The Museum Director may authorize disclosure before publication  
37 or presentation to the public.

38 **2. Personal history research and materials.** Personal information contained in any  
39 record about the individual that is obtained by the Maine State Museum in the course of a  
40 historical research project is confidential ~~and not a public record for the purposes of Title~~  
41 ~~1, chapter 13, subchapter 4~~ until:

1 A. The individual authorizes the release of the personal information as a public record;  
2 or

3 B. The death of the individual, except that the Museum Director may, at the request of  
4 the individual, designate in writing that personal information about the individual  
5 remain confidential for a specified period, not to exceed 25 years after the death of the  
6 individual, to protect the privacy of the individual or the privacy of the parent or child  
7 of the individual.

8 For the purposes of this section, "personal information" means any information about  
9 an individual's personal history, including, but not limited to, medical, psychiatric,  
10 employment, counseling and other information of a personal or private nature.

11 **Sec. 4. 30-A MRSA §503, sub-§1, ¶A**, as amended by PL 1989, c. 6 and c. 9, §2  
12 and c. 104, Pt. C, §§8 and 10 and repealed and replaced by c. 402, §2, is further amended  
13 by amending subparagraph (1) to read:

14 (1) Notwithstanding any confidentiality provision other than this paragraph,  
15 applications, resumes and letters and notes of reference, other than those letters and  
16 notes of reference expressly submitted in confidence, pertaining to the applicant  
17 hired are public records after the applicant is hired, except that personal contact  
18 information is not a public record as provided in Title 1, section 402, subsection 3,  
19 paragraph O.

20 **Sec. 5. 30-A MRSA §503, sub-§1, ¶A**, as amended by PL 1989, c. 6 and c. 9, §2  
21 and c. 104, Pt. C, §§8 and 10 and repealed and replaced by c. 402, §2, is further amended  
22 by amending subparagraph (2) to read:

23 (2) Telephone numbers are ~~not public records~~ confidential if they are designated  
24 as "unlisted" or "unpublished" in an application, resume or letter or note of  
25 reference.

26 **Sec. 6. 30-A MRSA §2702, sub-§1, ¶A**, as amended by PL 2019, c. 451, §3, is  
27 further amended by amending subparagraph (1) to read:

28 (1) Notwithstanding any confidentiality provision other than this paragraph,  
29 applications, resumes and letters and notes of reference, other than those letters and  
30 notes of reference expressly submitted in confidence, pertaining to the applicant  
31 hired are public records after the applicant is hired, except that personal contact  
32 information is not a public record as provided in Title 1, section 402, subsection 3,  
33 paragraph O.

34 **Sec. 7. 30-A MRSA §2702, sub-§1, ¶A**, as amended by PL 2019, c. 451, §3, is  
35 further amended by amending subparagraph (2) to read:

36 (2) Telephone numbers are ~~not public records~~ confidential if they are designated  
37 as "unlisted" or "unpublished" in an application, resume or letter or note of  
38 reference.

39 **Sec. 8. 32 MRSA §2105-A, sub-§3, ¶B**, as amended by PL 1993, c. 600, Pt. A,  
40 §116, is further amended to read:

1 B. In a consent agreement or other written settlement when the information constitutes  
2 or pertains to the basis of board action, except that any information that identifies or  
3 could reasonably lead to identification of a patient is confidential.

4 **Sec. 9. 32 MRSA §3300-A**, as enacted by PL 2001, c. 214, §2, is amended to read:

5 **§3300-A. Confidentiality of personal information of applicant or licensee**

6 An applicant or licensee shall provide the board with a current professional address and  
7 telephone number, which will be their public contact address, and a personal residence  
8 address ~~and~~, telephone number ~~and~~ email address. An applicant's or licensee's personal  
9 residence address ~~and~~, telephone number ~~is~~ and email address are confidential information  
10 and may not be disclosed except as permitted by this section or as required by law, ~~unless.~~  
11 However, if the personal residence address and telephone number have been provided as  
12 the public contact address, the personal residence address and telephone number are not  
13 confidential. Personal health information submitted as part of any application is  
14 confidential information and may not be disclosed except as permitted by this section or as  
15 required by law. The personal health information and personal residence address ~~and~~,  
16 telephone number and email address may be provided to other governmental licensing or  
17 disciplinary authorities or to any health care providers located within or outside this State  
18 that are concerned with granting, limiting or denying a physician's employment or  
19 privileges.

20 **Sec. 10. 32 MRSA §6207-B**, as enacted by PL 2017, c. 265, §2, is repealed and the  
21 following enacted in its place:

22 **§6207-B. Confidential information**

23 The address and telephone number of an applicant for licensure or a person licensed  
24 under this chapter that are in the possession of the board are confidential. This section does  
25 not prohibit the board and its staff from using and disclosing the address and telephone  
26 number of an applicant or licensee as necessary to perform the duties and functions of the  
27 board.

28 **Sec. 11. 32 MRSA §9418, first ¶**, as amended by PL 2011, c. 662, §20, is further  
29 amended to read:

30 Notwithstanding Title 1, chapter 13, subchapter 1, all applications for a license to be a  
31 contract security company and any documents made a part of the application, refusals and  
32 any information of record collected by the commissioner during the process of ascertaining  
33 whether an applicant is of good moral character and meets the additional requirements of  
34 sections 9405 and 9411-A, and all information of record collected by the commissioner  
35 during the process of ascertaining whether a natural person meets the requirements of  
36 section 9410-A, are confidential ~~and may not be made available for public inspection or~~  
37 ~~copying.~~ The applicant or natural person may waive this confidentiality by written notice  
38 to the commissioner. All proceedings relating to the issuance of a license to be a contract  
39 security company are not public proceedings under Title 1, chapter 13, unless otherwise  
40 requested by the applicant.

41 **Sec. 12. 32 MRSA §11305, sub-§3**, as amended by PL 1989, c. 542, §79, is  
42 repealed and the following enacted in its place:

1       **3. Public information.** The following information collected, assembled or maintained  
2 by the administrator is confidential:

3       A. Information obtained in private investigations pursuant to section 11301;

4       B. Information made confidential by rule or order of the administrator; and

5       C. Information obtained from federal agencies, which may not be disclosed under  
6 federal law.

7       **Sec. 13. 32 MRSA §16524**, as enacted by PL 2021, c. 576, §1, is amended to read:  
8 **§16524. Confidentiality of personal information**

9       Personal information contained in an application for restitution assistance under this  
10 subchapter is ~~not subject to disclosure to the extent the information is designated as not a~~  
11 ~~public record by section 16607, subsection 2, paragraph E~~ confidential.

12       **Sec. 14. 32 MRSA §16607, sub-§2**, as enacted by PL 2005, c. 65, Pt. A, §2, is  
13 amended to read:

14       **2. Nonpublic Confidential records.** ~~The following records are not public records and~~  
15 ~~are not available for public examination under subsection 4~~ confidential:

16       A. A record obtained by the administrator in connection with an audit or inspection  
17 under section 16411, subsection 4 or an investigation under section 16602;

18       B. A part of a record filed in connection with a registration statement under section  
19 16301 and sections 16303 to 16305 or a record under section 16411, subsection 4 that  
20 contains trade secrets or confidential information if the person filing the registration  
21 statement or report has asserted a claim of confidentiality or privilege that is authorized  
22 by law;

23       C. A record that is not required to be provided to the administrator or filed under this  
24 chapter and is provided to the administrator only on the condition that the record ~~will~~  
25 ~~not be subject to public examination or disclosure~~ is confidential;

26       D. A record received from a person specified in section 16608, subsection 1 that has  
27 been designated as confidential by the agency furnishing the record;

28       E. Any social security number, residential address unless used as a business address  
29 and residential telephone number unless used as a business telephone number  
30 contained in a record that is filed;

31       F. A record obtained by the administrator through a designee of the administrator that,  
32 pursuant to a routine technical rule, as defined in Title 5, chapter 375, subchapter 2-A,  
33 or an order under this chapter, has been:

34           (1) Expunged from the administrator's records by the designee; or

35           (2) Determined to be nonpublic or nondisclosable by that designee if the  
36 administrator finds the determination to be in the public interest and for the  
37 protection of investors;

38       G. Records to the extent that they relate solely to the administrator's internal personnel  
39 rules and practices, including, but not limited to, protocols, guidelines, manuals and  
40 memoranda of procedure for employees of the Office of Securities;

1 H. Interagency or intra-agency memoranda or letters, including generally records that  
2 reflect discussions between or consideration by the administrator and employees of the  
3 Office of Securities of any action taken or proposed to be taken by the administrator or  
4 employees of the Office of Securities, including, but not limited to, reports, summaries,  
5 analyses, conclusions or other work product of the administrator or employees of the  
6 Office of Securities, except those that by law would routinely be discoverable in  
7 litigation; and

8 I. Records to the extent that disclosure could reasonably be expected to constitute an  
9 unwarranted invasion of personal privacy.

10 **Sec. 15. 32 MRSA §18509, sub-§6**, as enacted by PL 2017, c. 253, §7, is amended  
11 to read:

12 **6. Confidentiality.** Information provided to the interstate commission or distributed  
13 by a member board is confidential ~~within the meaning of Title 1, section 402, subsection~~  
14 ~~3, paragraph A~~ and may be used only for investigatory or disciplinary matters under  
15 sections 18510 and 18511.

## 16 SUMMARY

17 This bill is reported out by the Joint Standing Committee on Judiciary to implement  
18 statutory changes recommended by the Right to Know Advisory Committee after  
19 reviewing certain existing public records exceptions in Titles 25, 26, 27, 30-A and 32. The  
20 Joint Standing Committee on Judiciary has not taken a position on the substance of this  
21 bill. By reporting out this bill, the Joint Standing Committee on Judiciary is not suggesting  
22 and does not intend to suggest that it agrees or disagrees with any aspect of this bill; instead,  
23 the Joint Standing Committee on Judiciary is reporting out the bill for the sole purpose of  
24 having a bill printed that can be referred to the Joint Standing Committee on Judiciary for  
25 an appropriate public hearing and subsequent processing in the normal course. The Joint  
26 Standing Committee on Judiciary is taking this action to ensure clarity and transparency in  
27 the legislative review of the proposals contained in the bill.

28 Sections 1, 2, 3, 10, 11, 12, 13, 14 and 15 of the bill amend language in statute to better  
29 conform with drafting standards.

30 Sections 4, 5, 6 and 7 of the bill amend public records exceptions related to applicants  
31 for county and municipal jobs to clarify that personal contact information of applicants is  
32 confidential.

33 Section 8 of the bill amends the existing public records exception to clarify that  
34 information included in Board of Nursing consent agreements or other written settlements  
35 that identifies or could reasonably lead to identification of a patient is confidential.

36 Section 9 of the bill amends the existing public records exception to clarify that email  
37 addresses of applicants to or licensees of the Board of Licensure in Medicine are  
38 confidential, and that the personal residence address and telephone number of the applicant  
39 or licensee are not confidential if this information is provided as the public contact.