

MAINE STATE LEGISLATURE

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"except as otherwise provided by statute, every person shall have the right to inspect and copy any public record during regular business hours of the custodian or location of such records; provided that whenever inspection cannot be accomplished without translation of mechanical or electronic data compilations into some other form, the person desiring inspection may be requested to pay the state in advance the cost of translation and both translation and inspection may be scheduled to occur at such time as will not delay or inconvenience the regular activities of the agency or official having custody of the records sought and provided further that the cost of copying any public record to comply with this section shall be paid by the person requesting the copy."
(emphasis supplied)

Pursuant to this section, the department must upon payment in advance for the cost of translation, translate its list from the mechanical form in which it is now kept to a form available for copying by the Sportsmen's Alliance of Maine.

The State of Maine has no explicit law regarding the privacy of records other than the exceptions to Title 1 M.R.S.A. § 402 and the specific confidentiality provisions of other State statutes. There does not appear to be any specific exception within the right-to-know law nor within the statutes of the Department of Inland Fisheries and Game which would keep the data of the department requested by the Sportsmen's Alliance confidential. (Cf. 5 U.S.C.A. § 552a). Without such specific exception or legislation, it does not appear that there is any basis for withholding the records requested for the Sportsmen's Alliance of Maine. We recognize your concern regarding the privacy implications of releasing the lists for the intended uses. However, these concerns cannot negate the clear intent of the Freedom of Access Law which presently requires that the lists be made available regardless of the uses which are intended.

If you should have any further questions, please feel free to let me know.


SARAH REDFIELD
Assistant Attorney General

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