

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1669

H.P. 1144

House of Representatives, April 24, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative GWADOSKY of Fairfield.  
Cosponsored by Representative JACQUES of Waterville.

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STATE OF MAINE

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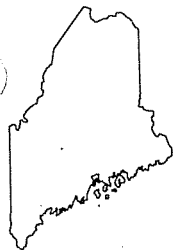
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Exempt Certain Medical and Juvenile Records from the  
Freedom of Access Law.**

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(AFTER DEADLINE)



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

Sec. 1. 1 MRSA §402, sub-§3, ¶¶F and G, as enacted by PL 1989, c. 358, §4, are amended to read:

F. Records that would be confidential if they were in the possession or custody of an agency or public official of the State or any of its political or administrative subdivisions are confidential if those records are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; and

G. Materials related to the development of positions on legislation or materials that are related to insurance or insurance-like protection or services which are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities;

Sec. 2. 1 MRSA §402, sub-§3, ¶¶H and I are enacted to read:

H. Medical records and reports of municipal ambulance and rescue units and other emergency medical service units; and

I. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter.

#### STATEMENT OF FACT

The purpose of this bill is to clarify current law to protect very sensitive information about clients of municipal emergency medical services and information concerning medical histories and other personal information on juveniles prepared by municipal fire departments. Currently, records of emergency medical service people are considered public records. These records contain personal information about users of emergency medical services. This information includes but is not limited to medical histories, use of medication and allergies.

The law regarding records and reports of municipal fire department personnel in connection with juvenile fire setters is also very vague. Currently, the names of juveniles participating in arson rehabilitation programs, the medical histories of these

2 juveniles and their families, medications used by juveniles and  
their families and other personal information is considered  
4 public information. This policy discourages juvenile arsonists  
from participating in educational and rehabilitation programs.

6 This bill seeks to establish as confidential the reports and  
records of municipal emergency medical service units and records  
8 and reports on juveniles prepared by municipal fire departments.