

# MAINE STATE LEGISLATURE

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R. O. S.

L.D. 2055

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DATE: 5-23-06

(Filing No. H-1110)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
SECOND REGULAR SESSION

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HOUSE AMENDMENT "E" to COMMITTEE AMENDMENT "A" to H.P. 1449, L.D. 2055, Bill, "An Act To Correct Errors and Inconsistencies in the Laws of Maine"

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Amend the amendment by adding after Part E the following:

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PART F

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Sec. F-1. 12 MRSA §6173-A is enacted to read:

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§6173-A. Maine Working Waterfront Access Pilot Program;  
confidentiality for proprietary information

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Except as provided in subsections 1 and 2, information obtained by the department under this section is a public record as provided by Title 1, chapter 13, subchapter 1.

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1. Confidential information. Information submitted to the department under the provisions of the Maine Working Waterfront Access Pilot Program established by Public Law 2005, chapter 462 may be designated by the submitter as proprietary information and as being only for the confidential use of the department, its agents and employees, other agencies of State Government, as authorized by the Governor, and the Attorney General. The designation must be clearly indicated on each page or other unit of information. The commissioner shall establish procedures to ensure that information so designated is segregated from public records of the department. The department's public records must include the indication that information so designated has been submitted to the department, giving the name of the submitter and the general nature of the information. Upon a request for information the scope of which includes information so designated, the commissioner shall notify the submitter. Within 15 days after receipt of the notice, the submitter shall

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2 demonstrate to the satisfaction of the department that the  
3 designated information should not be disclosed because the  
4 information is proprietary information. Unless such a  
5 demonstration is made, the information must be disclosed and  
6 becomes a public record. The department may grant or deny  
7 disclosure for all or any part of the designated information  
8 requested and within 15 days shall give written notice of the  
9 decision to the submittor and the person requesting the  
10 designated information. A person aggrieved by a decision of the  
11 department under this subsection may appeal to the Superior Court.

12 2. Release information. The commissioner may not release  
13 information designated under subsection 1 prior to the expiration  
14 of the time allowed for the filing of an appeal or to the  
15 rendering of the decision on any appeal.

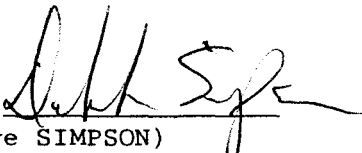
16 3. Nonconfidential information. Any information that is  
17 collected by any other local, state or federal agency or  
18 information required by the department for the purpose of  
19 obtaining a permit, license, certification or other approval may  
20 not be designated or treated as confidential information under  
21 subsection 1.

22 4. Definition. For the purposes of this section,  
23 "proprietary information" means information that is a trade  
24 secret or production, commercial or financial information the  
25 disclosure of which would impair the competitive position of the  
26 submittor and would make available information not otherwise  
27 publicly available.'

28 Further amend the amendment by relettering or renumbering  
29 any nonconsecutive Part letter or section number to read  
30 consecutively.

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36 **SUMMARY**

37 This amendment provides for the protection of proprietary  
38 information by the Department of Marine Resources under the Maine  
39 Working Waterfront Access Pilot Program.

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44 SPONSORED BY:   
45 (Representative SIMPSON)

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47 TOWN: Auburn

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