

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1714

H.P. 1215

House of Representatives, January 6, 2010

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### An Act To Protect Information Maintained by Registers of Deeds

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILlicent M. MacFARLAND  
Clerk

Presented by Representative TREAT of Hallowell.  
Cosponsored by Senator GOODALL of Sagadahoc and  
Representatives: BLODGETT of Augusta, CROCKETT of Augusta, FLEMINGS of Bar  
Harbor, FLETCHER of Winslow, FOSSEL of Alna, GILBERT of Jay, MARTIN of Eagle  
Lake, TRINWARD of Waterville.

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

2 **Sec. 1. 1 MRSA §402, sub-§3, ¶P,** as corrected by RR 2009, c. 1, §2, is amended  
3 to read:

4 P. Geographic information regarding recreational trails that are located on private  
5 land that are authorized voluntarily as such by the landowner with no public deed or  
6 guaranteed right of public access, unless the landowner authorizes the release of the  
7 information; and

8 **Sec. 2. 1 MRSA §402, sub-§3, ¶Q,** as reallocated by RR 2009, c. 1, §3, is  
9 amended to read:

10 Q. Security plans, staffing plans, security procedures, architectural drawings or risk  
11 assessments prepared for emergency events that are prepared for or by or kept in the  
12 custody of the Department of Corrections or a county jail if there is a reasonable  
13 possibility that public release or inspection of the records would endanger the life or  
14 physical safety of any individual or disclose security plans and procedures not  
15 generally known by the general public. Information contained in records covered by  
16 this paragraph may be disclosed to state and county officials if necessary to carry out  
17 the duties of the officials, the Department of Corrections or members of the State  
18 Board of Corrections under conditions that protect the information from further  
19 disclosure; and

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

21 R. Records maintained by registers of deeds under Title 33, chapter 11.

22 **Sec. 4. 33 MRSA §651,** as repealed and replaced by PL 2003, c. 55, §1, is  
23 amended by adding at the end a new paragraph to read:

24 Public access to records maintained by a register is governed by this chapter. Title 1,  
25 chapter 13 does not apply to public access to records maintained by a register.

26 **SUMMARY**

27 This bill provides that records maintained by registers of deeds are not considered  
28 public records for the purposes of the freedom of access laws in order to clarify that  
29 public access to those records is governed by the laws relating to those registers.