

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1019

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H.P. 717

House of Representatives, March 14, 2013

**An Act To Protect the State's Property Rights in Maine State  
Museum Research**

(EMERGENCY)

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative KESCHL of Belgrade.  
Cosponsored by Senator KATZ of Kennebec and  
Representatives: COTTA of China, HICKMAN of Winthrop, LONGSTAFF of Waterville,  
MAKER of Calais, NADEAU of Winslow, NUTTING of Oakland, RUSSELL of Portland,  
TURNER of Burlington.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2           become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** research projects are ongoing at the Maine State Museum; and

4           **Whereas,** in order to protect individuals' personally identifiable information, it is  
5           imperative that this Act take effect immediately; and

6           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
7           the meaning of the Constitution of Maine and require the following legislation as  
8           immediately necessary for the preservation of the public peace, health and safety; now,  
9           therefore,

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

11           **Sec. 1. 27 MRSA §§86-B and 86-C** are enacted to read:

12          **§86-B. Personal history research**

13           A historical research project conducted by the Maine State Museum that includes an  
14           individual's personally identifiable information such as medical, psychiatric, employment,  
15           counseling or law enforcement records or information directly related to that individual's  
16           parent or child is not a public record for the purposes of Title 1, chapter 13, subchapter 1.

17          **§86-C. Draft research**

18           Unless authorized by the Museum Director, museum draft research, publications and  
19           exhibit materials not yet completed and publicly presented, including scientific,  
20           archaeological and historical findings, are not public records for the purposes of Title 1,  
21           chapter 13, subchapter 1.

22           **Emergency clause.** In view of the emergency cited in the preamble, this  
23           legislation takes effect when approved.

24   **SUMMARY**

25           This bill exempts from the Freedom of Access Act historical research that includes an  
26           individual's personally identifiable information such as medical, psychiatric, employment,  
27           counseling or law enforcement records or information directly related to that individual's  
28           parent or child. The bill also exempts from the Freedom of Access Act, unless authorized  
29           by the Maine State Museum's director, museum draft research, publications and exhibit  
30           materials that are not yet completed and publicly presented.