

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 344

S.P. 127

In Senate, February 10, 2015

An Act To Amend the Laws Governing the Confidentiality of Library Records

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by President THIBODEAU of Waldo.
Cosponsored by Representative WELSH of Rockport and
Senators: BURNS of Washington, CUSHING of Penobscot, GRATWICK of Penobscot,
KATZ of Kennebec, LANGLEY of Hancock, LIBBY of Androscoggin, SAVIELLO of
Franklin, Representatives: JORGENSEN of Portland, MAKER of Calais, NADEAU of
Winslow, POWERS of Naples.

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

2 **Sec. 1. 27 MRSA §121**, as amended by PL 2013, c. 82, §12, is repealed and the
3 following enacted in its place:

4 **§121. Confidentiality of library records**

5 **1. Confidentiality.** A record maintained by any public library, as defined in section
6 110, subsection 10, the Maine State Library, the Law and Legislative Reference Library
7 or a library of the University of Maine System, the Maine Community College System or
8 the Maine Maritime Academy is confidential if the record contains:

9 A. A library patron's personally identifying information, including but not limited to
10 the library patron's name, address, phone number and e-mail address; or

11 B. Information that identifies a library patron as having requested, obtained or used
12 books or other materials in any medium at the library or provided by the library.

13 **2. Permitted release.** A record designated confidential by subsection 1 may be
14 released only with the express written permission of the library patron involved; to
15 officers, employees, volunteers and agents of the library to the extent necessary for
16 library administrative purposes; or as the result of a court order.

17 **3. Public record.** A library may publish and release as a public record aggregated
18 and statistical information pertaining to library patronage, circulation activities and use of
19 any service or consultation the library provides as long as the release of the information
20 does not jeopardize the confidentiality of a library patron's personally identifying
21 information.

22 **SUMMARY**

23 Current law designates as confidential library records that identify the books or
24 materials a patron uses at a public library, the Maine State Library, the Law and
25 Legislative Reference Library and the libraries of the University of Maine System, the
26 Maine Community College System and the Maine Maritime Academy. This bill retains
27 that designation of confidentiality and also designates as confidential personally
28 identifying information about the library patron. The bill also retains the provision that
29 the confidential information may be released with the written permission of the library
30 patron or pursuant to a court order but adds language permitting the confidential
31 information to be released to officers, employees, volunteers and agents of the library for
32 administrative purposes. The bill clarifies that a library may publish and release as a
33 public record aggregated and statistical information about library use if the confidentiality
34 of a library patron's personally identifying information is not jeopardized.