

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2014

ment of expenses incurred for the administration of the State's unemployment compensation law and public employment offices requires a specific appropriation by the Legislature as provided in section 2. That use is only permissible if the expenses are incurred and the money is requisitioned after the effective date of a law making an appropriation and specifying the purposes for which the money is appropriated and the amounts appropriated for those purposes. Any amount that may be obligated under such an appropriation is limited to an amount that does not exceed the amount by which the aggregate of the amounts transferred to the account of the State of Maine pursuant to Section 903(d) and Section 903(f) of the federal Social Security Act exceeds the aggregate of the amounts used by the State pursuant to this Act and charged against the amounts transferred to the account of the State of Maine.

For purposes of this section, the amounts obligated under an appropriation for administrative purposes must be charged against transferred amounts at the exact time the obligation is entered into. The appropriation, obligation and expenditure or other disposition of money appropriated under this section must be accounted for in accordance with standards established by the United States Secretary of Labor. Money appropriated as provided in this Act for the payment of administration must be requisitioned as needed for the payment of obligations incurred under the appropriation and, upon requisition, must be deposited in the Employment Security Administration Fund from which payments are made. Money so deposited must, until expended, remain a part of the unemployment fund and, if it will not be immediately expended, must be returned promptly to the account of the State of Maine in the Federal Unemployment Trust Fund.

Sec. 2. Allocation maintaining state unemployment compensation and public employment system. There is allocated out of funds made available to the State under Section 903(d) and Section 903(f) of the federal Social Security Act, as amended, the sum of \$17,500,000 in accordance with section 1, to be used under the direction of the Department of Labor, for the purpose of maintaining and operating the State's unemployment compensation and public employment system. The uses include both personnel and nonpersonnel administrative costs required to administer the unemployment insurance program, deliver employment assistance services through the Department of Labor's career center system and provide labor market information program services for workers and employers in the State. Prior to using the funds made available to the State under Section 903(f) of the federal Social Security Act, the funds made available to the State under Section 903(d) of the federal Social Security Act must be exhausted.

The amount obligated pursuant to this Act may not exceed at any time the amount by which the ag-

gregate of the amounts transferred to the account of the State of Maine pursuant to Section 903(d) and Section 903(f) of the federal Social Security Act exceeds the aggregate of the amounts obligated for administration and paid out for benefits and required by law to be charged against the amounts transferred to the State of Maine account.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Employment Security Services 0245

Initiative: Allocates funds for the costs associated with adding 10 Customer Representative Specialist - Benefits positions, 10 Claims Adjudicator positions and 4 Hearings Examiner positions to address understaffing in areas of claims processing, adjudication and appeals.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNCIL	0.000	24.000
Personal Services	\$0	\$1,441,277
All Other	\$0	\$576,794
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$2,018,071

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

Effective April 3, 2014.

CHAPTER 512

H.P. 1210 - L.D. 1687

An Act To Create Parity for Proprietary Information Submitted to the Department of Marine Resources

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

Sec. 1. 12 MRSA §6072, sub-§10, ¶D, as amended by PL 2009, c. 240, §8, is further amended to read:

D. The lessee shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Upon written request, the department shall provide a copy of the report to the municipality or municipalities in which or adjacent to

which the lease is located. The seeding and harvesting reports submitted by a lessee under this paragraph are considered ~~proprietary information~~ confidential statistics for the purposes of section ~~6077, subsection 4 6173.~~

Sec. 2. 12 MRSA §6072-A, sub-§17-A, ¶D, as enacted by PL 2009, c. 240, §11, is amended to read:

D. The lessee shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Upon written request, the commissioner shall provide a copy of the report to the municipality or municipalities in which or adjacent to which the lease is located. The seeding and harvesting reports submitted by a lessee under this paragraph are considered ~~proprietary information~~ confidential statistics for the purposes of section ~~6077, subsection 4 6173.~~

Sec. 3. 12 MRSA §6173-B is enacted to read:

§6173-B. Special licenses; mandatory quality control program; shellfish sanitation and depuration certificates; confidentiality of proprietary information

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.

1. Confidential information. Information submitted to the department pursuant to provisions regarding special licenses for research, aquaculture or education under section 6074, surveillance and inspection of all segments of the State's fishing industries under section 6102 or the shellfish sanitation certificate and the depuration certificate under section 6856 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 demonstrate to the satisfaction of the department that the designated information should not be disclosed because the information is proprietary information. Unless such a demonstration is made, the information must be disclosed and be-

comes a public record. The department may grant or deny disclosure for all or any part of the designated information requested and within 15 days shall give written notice of the decision to the submitter and the person requesting the designated information. A person aggrieved by a decision of the department under this subsection may appeal to the Superior Court.

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

3. Definition. For purposes of this section, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

See title page for effective date.

CHAPTER 513

S.P. 660 - L.D. 1665

An Act To Clarify the Confidentiality of Wood Processor Report Information

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

Sec. 1. 12 MRSA §8884, sub-§1-A, as amended by PL 1991, c. 528, Pt. G, §10 and affected by Pt. RRR; and amended by c. 591, Pt. G, §10; PL 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §23, is repealed.

Sec. 2. 12 MRSA §8884, sub-§3, as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is repealed and the following enacted in its place:

3. Confidentiality. Information collected by the bureau under this section is public except for:

- A. Volumes of forest products;
- B. Species of forest products;
- C. Types of forest products;
- D. County of origin of forest products; and
- E. Personally identifying information of forest product suppliers to roundwood processing operations and importers and exporters of forest products.

Summary reports that use aggregate data that do not reveal the activities of an individual person or firm are public records.