

**STATUTE:** [8 MRSA §416-A, sub-§9](#)

**AGENCY:** Bureau of Alcoholic Beverages and Lottery Operations  
Department of Administrative and Financial Services

**CONTACT PERSON:** Kelsey Goldsmith

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 8 through 12 during 2021; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

#### **QUESTIONS**

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

**Excerpt of the law outlining records subject to the exemption: "The financial, tax, trust or personal records filed, received, maintained or produced by the commission in connection with payment of a prize as provided in this section are confidential. Such records are not public records under Title 1, chapter 13. Upon written request, the commission may release the name, town of residence, date of prize and the gross and net amounts of the annual prize payment of a winner. Financing statements filed with the commission are public records."**

**We have neither received nor denied a FOAA request related to the above in at least two years.**

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

**We support the continued omission of personal financial records being excluded from public record release, as, otherwise, the financial interests of lottery winners would be in jeopardy.**

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

**The provision is clear.**

4. Does your agency recommend changes to this exception?

**No.**

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

**The Maine State Liquor & Lottery Commission is comprised of five members appointed by the Governor of Maine and confirmed by the Maine Legislature. The Commission meets monthly to provide public oversight in its review of financial performance and operational activities of the Bureau of Alcoholic Beverages and Lottery Operations (BABLO), a division of the Department of Administrative and Financial Services.**

**The members of the Commission are:**

- **Elizabeth Fitzgerald**  
**Julie A. Sheehan**  
**Hon. Stacey A. Fitts**  
**Hon. Kimberly J. Monaghan**  
**Hon. John C. Schneck**

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

**Thank you for your time.**

**STATUTE:** [8 MRSA §1006, sub-§1, ¶A](#)

**1. Application and licensing records and information.** This subsection applies to information or records included in an application or materials required by the board for issuance of a license pursuant to this chapter, including records obtained or developed by the board or department related to an applicant or licensee. For the purposes of Title 1, section 402, subsection 3, the following records and information are designated as confidential and may not be disclosed except as provided:

**A.** Trade secrets as defined in Title 10, section 1542 and proprietary information that if released could be competitively harmful to the submitter of the information;

**AGENCY: Gambling Control Board  
Department of Public Safety**

**CONTACT PERSON: Chris Parr**

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Thank you.

**QUESTIONS**

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

**It is known throughout the industry that trade secrets are greatly respected. These become evident in slot machine manufacturing and electronic table games manufacturing when it is a part of a lease agreement and the setting of progressives and mystery bonuses.**

2. Please state whether your agency supports or opposes continuation of this exception and explain the reasons for that position.

**Supports. As stated, trade secrets are an industry standard.**

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

**There have been no problems in this area. Clear in both cases.**

4. Does your agency recommend changes to this exception?

No

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

- AGS LLC
- ARISTOCRAT TECHNOLOGIES, INC
- BB DEVELOPMENT LLC – Oxford Casino
- EBET TECHNOLOGIES, INC.
- EVERI PAYMENTS INC.
- GAMING PARTNERS INTERNATIONAL USA, INC
- GENESIS GAMING SOLUTIONS, INC
- HALIFAX SECURITY INC.
- HC BANGOR LLC – Hollywood Casino
- IGT
- JCM GLOBAL
- KONAMI GAMING INC
- LANDRY HOLDINGS, LLC
- MASQUE PUBLISHING INC
- NRT TECHNOLOGY CORPORATION
- PATRIOT GAMING & ELECTRONICS, INC.
- SG GAMING, INC.
- SUZOHAPP GAMING SOLUTIONS, LLC
- VSR INDUSTRIES, INC.

Contact information available upon request

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

The casino industry is a highly regulated and competitive industry and as such Maine needs to continue to uphold the confidentiality disclosed by any applicant, be it an individual, or company as is the case in any other state.

Respectfully,

Milton Champion  
Executive Director  
DPS, Gambling Control Unit  
45 Commerce Drive

Right to Know Advisory Committee  
13 State House Station Augusta, Maine 04333  
Telephone: (207) 287-1670

Augusta ME 04333  
207-626-3901  
[milton.f.champion@maine.gov](mailto:milton.f.champion@maine.gov)

**STATUTE:** [8 MRSA §1006, sub-§1, ¶B](#)

**1. Application and licensing records and information.** This subsection applies to information or records included in an application or materials required by the board for issuance of a license pursuant to this chapter, including records obtained or developed by the board or department related to an applicant or licensee. For the purposes of Title 1, section 402, subsection 3, the following records and information are designated as confidential and may not be disclosed except as provided:

**B.** Information that if released would constitute an unwarranted invasion of personal privacy of a key executive, gaming employee or any other individual included in application materials, as determined by the board. Upon request, the board shall release a summary of information confidential under this paragraph describing the basis for the board's action in granting, denying, renewing, suspending, revoking or failing to grant or renew a license issued under this chapter. In preparing a summary, the board shall maximize public access to that information while taking reasonable measures to protect the confidentiality of that information;

**AGENCY: Gambling Control Board  
Department of Public Safety**

**CONTACT PERSON: Chris Parr**

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Thank you.

### QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

**Applicants personal privacy of information is strictly kept confidential. No summaries have ever been requested.**

2. Please state whether your agency supports or opposes continuation of this exception and explain the reasons for that position.

**Supports. Confidential personal privacy information is also industry standard.**

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

There have been no problems in this area. Clear in both cases.

4. Does your agency recommend changes to this exception?

No

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Two (2) casino operators, eight (8) Distributors/Manufacturers, ten (10) Service vendors and 750 employees

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

The casino industry is a highly regulated and competitive industry and as such Maine needs to continue to uphold the confidentiality disclosed by any applicant, be it an individual, or company as is the case in any other state.

Respectfully,



Milton Champion

Executive Director

DPS, Gambling Control Unit

45 Commerce Drive

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**STATUTE:** [8 MRSA §1006, sub-§1, ¶C](#)

**1. Application and licensing records and information.** This subsection applies to information or records included in an application or materials required by the board for issuance of a license pursuant to this chapter, including records obtained or developed by the board or department related to an applicant or licensee. For the purposes of Title 1, section 402, subsection 3, the following records and information are designated as confidential and may not be disclosed except as provided:

**C. Key executive or gaming employee compensation, except that:**

(1) Executive compensation required to be filed with the federal Securities and Exchange Commission or, with respect to applicants or licensees that are not publicly traded corporations, executive compensation that would be required to be filed with the federal Securities and Exchange Commission were the applicant or licensee a publicly traded corporation or controlled by a publicly traded corporation is not confidential; and

(2) Compensation of the officers of the business entity that is organized or authorized to do business in this State who are responsible for the management of gaming operations, as determined by the board, is not confidential;

**AGENCY: Gambling Control Board  
Department of Public Safety**

**CONTACT PERSON: Chris Parr**

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Thank you.

### QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

**Applicants compensation while available has never been requested.**

2. Please state whether your agency supports or opposes continuation of this exception and explain the reasons for that position.

**Neither supports nor opposes. Do not see the relevancy in obtaining someone's compensation.**



3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

**There have been no problems in this area. Clear in both cases.**

4. Does your agency recommend changes to this exception?

**No**

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

**Roughly 150 senior key executives both from a corporate assignment to the local two operating casinos.**

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

**The casino industry is a highly regulated and competitive industry and as such Maine needs to continue to uphold the confidentiality disclosed by any applicant, be it an individual, or company as is the case in any other state.**

Respectfully,



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**STATUTE:** [8 MRSA §1006, sub-§1, ¶D](#)

**1. Application and licensing records and information.** This subsection applies to information or records included in an application or materials required by the board for issuance of a license pursuant to this chapter, including records obtained or developed by the board or department related to an applicant or licensee. For the purposes of Title 1, section 402, subsection 3, the following records and information are designated as confidential and may not be disclosed except as provided:

**D.** Financial, statistical and surveillance information related to the applicant or licensee that is obtained by the board or department from the central site monitoring system or surveillance devices;

**AGENCY: Gambling Control Board  
Department of Public Safety**

**CONTACT PERSON: Chris Parr**

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Thank you.

### QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

**The financial and statistical information obtained from the states central monitoring systems is just that, the states. The system is operated under a contract on behalf of the state. Most of the information summarized is available to the general public and stake holders in the cascade of distribution of collected funds on the gambling Control Unit's website at [Gambling Control Unit \(maine.gov\)](#)**

**Surveillance coverage is never available to the public unless subpoenaed for legal action.**

2. Please state whether your agency supports or opposes continuation of this exception and explain the reasons for that position.

**Supports. Financial and statistical information is available annually from our website in our annual report of casino activities. Surveillance is the last line of defense and as such should remain forever confidential. The general public should never know what is looked at more often than other areas while the coverage in a casino is in every location with the exception of restrooms.**

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

**There have been no problems in this area. Clear in both cases.**

4. Does your agency recommend changes to this exception?

No

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

<p><b>Oxford Casino</b>  <b>777 Casino Way</b>  <b>Oxford, ME 04270</b>  <b>207-539-6700</b></p>	<p><b>Hollywood Casino</b>  <b>500 Main Street</b>  <b>Bangor, ME 04401</b>  <b>877-779-7771</b></p>
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6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

**The casino industry is a highly regulated and competitive industry and as such Maine needs to continue to uphold the confidentiality disclosed by any applicant, be it an individual, or company as is the case in any other state.**

Respectfully,



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Executive Director  
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Augusta ME 04333  
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[milton.f.champion@maine.gov](mailto:milton.f.champion@maine.gov)

STATUTE: [8 MRSA §1006, sub-§1, ¶E](#)

**1. Application and licensing records and information.** This subsection applies to information or records included in an application or materials required by the board for issuance of a license pursuant to this chapter, including records obtained or developed by the board or department related to an applicant or licensee. For the purposes of Title 1, section 402, subsection 3, the following records and information are designated as confidential and may not be disclosed except as provided:

**E.** Records that contain an assessment by a person who is not employed by the board or the department of the creditworthiness, credit rating or financial condition of any person or project, including reports that detail specific information for presentation to the board or department. Persons retained by the board or department to provide such an assessment shall prepare reports that indicate their conclusions and summarize information reviewed by them in a way that maximizes public access to that information;

**AGENCY: Gambling Control Board  
Department of Public Safety**

**CONTACT PERSON: Chris Parr**

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Thank you.

## QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

**This area has been followed since inception by the RFP process of hiring an accounting firm for the purpose of evaluating applicants from a creditworthiness and financial condition and the reporting has been in a summary report to the Board at time of review of the applicant by the Board. There has never been a request for any report given to the Board.**

2. Please state whether your agency supports or opposes continuation of this exception and explain the reasons for that position.

**Supports. The summary reports are available to the public from the Executive Director and in the initial or renewal process of approving a license the Board Chair advises the public of the ability to have those summary reports.**

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

**There have been no problems in this area. Clear in both cases.**

4. Does your agency recommend changes to this exception?

**No**

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

**Two (2) casino operators, eight (8) Distributors/Manufacturers, ten (10) Service vendors and 150 key employees**

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

**The casino industry is a highly regulated and competitive industry and as such Maine needs to continue to uphold the confidentiality disclosed by any applicant, be it an individual, or company as is the case in any other state.**

Respectfully,



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**STATUTE:** [8 MRSA §1006, sub-§1, ¶F](#)

**1. Application and licensing records and information.** This subsection applies to information or records included in an application or materials required by the board for issuance of a license pursuant to this chapter, including records obtained or developed by the board or department related to an applicant or licensee. For the purposes of Title 1, section 402, subsection 3, the following records and information are designated as confidential and may not be disclosed except as provided:

**F.** Information obtained from other jurisdictions designated as confidential by the jurisdiction from which it is obtained and that must remain confidential as a condition of receipt. The board and the department may use information designated as confidential by the jurisdiction from which it is obtained but shall first make reasonable efforts to use information that is known to be publicly available from another source;

**AGENCY: Gambling Control Board  
Department of Public Safety**

**CONTACT PERSON: Chris Parr**

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Thank you.

### QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

**In the casino industry, states typically share information regarding all aspects of regulatory oversight. An applicant during the process authorizes by signature the release of information by any other entity for which the state is inquiring regarding their licensure in that state. This may also include financial, legal and adverse actions taken against the applicant. There has been no request for information obtained from another state. During the Maine State Police Detective background checks, information obtained by other means has also not been requested but could become available before information obtained from other state agencies.**

2. Please state whether your agency supports or opposes continuation of this exception and explain the reasons for that position.

**Supports. Confidential personal privacy information is also industry standard.**

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?  
**There have been no problems in this area. Clear in both cases.**

4. Does your agency recommend changes to this exception?

No

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

**Two (2) casino operators, eight (8) Distributors/Manufacturers, ten (10) Service vendors and 750 employees**

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

**The casino industry is a highly regulated and competitive industry and as such Maine needs to continue to uphold the confidentiality disclosed by any applicant, be it an individual, or company as is the case in any other state.**

Respectfully,



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**STATUTE:** [8 MRSA §1006, sub-§1, ¶G](#)

**1. Application and licensing records and information.** This subsection applies to information or records included in an application or materials required by the board for issuance of a license pursuant to this chapter, including records obtained or developed by the board or department related to an applicant or licensee. For the purposes of Title 1, section 402, subsection 3, the following records and information are designated as confidential and may not be disclosed except as provided:

**G.** Information that is designated confidential under federal law whether obtained from federal authorities or provided to the board or department by an applicant, licensee or key executive;

**AGENCY: Gambling Control Board  
Department of Public Safety**

**CONTACT PERSON: Chris Parr**

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Thank you.

**QUESTIONS**

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

**Information from federal authorities designated as confidential or from an applicant, licensee or key executive continues to remain confidential and there have been no requests for this information.**

2. Please state whether your agency supports or opposes continuation of this exception and explain the reasons for that position.

**Supports. Federal law supersedes state law.**

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

**There have been no problems in this area. Clear in both cases.**



4. Does your agency recommend changes to this exception?

No

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Two (2) casino operators, eight (8) Distributors/Manufacturers, ten (10) Service vendors and 750 employees

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

The casino industry is a highly regulated and competitive industry and as such Maine needs to continue to uphold the confidentiality disclosed by any applicant, be it an individual, or company as is the case in any other state.

Respectfully,



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**STATUTE:** [8 MRSA §1006, sub-§1, ¶H](#)

**1. Application and licensing records and information.** This subsection applies to information or records included in an application or materials required by the board for issuance of a license pursuant to this chapter, including records obtained or developed by the board or department related to an applicant or licensee. For the purposes of Title 1, section 402, subsection 3, the following records and information are designated as confidential and may not be disclosed except as provided:

**H.** Birth dates, social security numbers, home addresses and telephone numbers, passport numbers, driver's license numbers, fingerprints, marital status, family relationships and support information, health status, personal financial records and tax returns of any individuals.

**AGENCY: Gambling Control Board  
Department of Public Safety**

**CONTACT PERSON: Chris Parr**

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Thank you.

**QUESTIONS**

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

**None of this information has ever been disclosed. Any request for information in this area of the application would be redacted before distributed. There has been no request for information specific to the areas listed in this section.**

2. Please state whether your agency supports or opposes continuation of this exception and explain the reasons for that position.

**Supports. Confidential personal information is also industry standard.**

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

**There have been no problems in this area. Clear in both cases.**

4. Does your agency recommend changes to this exception?

No

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

750 employees

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

The casino industry is a highly regulated and competitive industry and as such Maine needs to continue to uphold the confidentiality disclosed by any applicant, be it an individual, or company as is the case in any other state.

Respectfully,



Milton Champion  
Executive Director  
DPS, Gambling Control Unit  
45 Commerce Drive  
Augusta ME 04333  
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[milton.f.champion@maine.gov](mailto:milton.f.champion@maine.gov)

Right to Know Advisory Committee  
13 State House Station Augusta, Maine 04333  
Telephone: (207) 287-1670

STATUTE: [8 MRSA §1006, sub-§3](#)

**3. Central site monitoring system operator.** Records and information obtained or developed by the board or the department as part of a suitability requirement for selecting a 3rd party to operate the central site monitoring system pursuant to section 1004 are confidential for the purposes of Title 1, section 402, subsection 3, except that such records or information may be disclosed with the written consent of the person applying as the central site monitoring system operator.

**AGENCY: Gambling Control Board  
Department of Public Safety**

**CONTACT PERSON: Chris Parr**

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Thank you.

### QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

**The selection through an RFP process ended in one applicant which is the past and current operator Scientific Games. Scientific Games is also licensed as a slot machine manufacturer/Distributor and a Table Games distributor of regular and electronic tables games. Therefore, Scientific Games has been investigated for suitability several times and as a result of these separate licenses continues to be evaluated by the Department on an annual basis. There has never been a request which would require their consent.**

2. Please state whether your agency supports or opposes continuation of this exception and explain the reasons for that position.

**Supports. Keep as a different future 3<sup>rd</sup> party contractor other than Scientific Games may want to be considered in the consent process.**

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?  
**There have been no problems in this area. Clear in both cases.**

4. Does your agency recommend changes to this exception?

No

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

**Scientific Games**  
**6601 Bermuda Road**  
**Las Vegas, NV 89119**  
**702-532-7700**

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

**The casino industry is a highly regulated and competitive industry and as such Maine needs to continue to uphold the confidentiality disclosed by any applicant, be it an individual, or company as is the case in any other state.**

Respectfully,

A handwritten signature in blue ink, appearing to read "M.C.", with a horizontal flourish extending to the right.

Milton Champion  
Executive Director  
DPS, Gambling Control Unit  
45 Commerce Drive  
Augusta ME 04333  
207-626-3901  
[milton.f.champion@maine.gov](mailto:milton.f.champion@maine.gov)

**STATUTE:** [8 MRSA §1006, sub-§4](#)

**4. Monitoring and surveillance records and information.** Financial, statistical and surveillance information obtained by the board or department from the central site monitoring system or surveillance devices is confidential and may not be disclosed. The board shall prepare and make publicly available monthly and annual reports on the results of slot machine and table game operations using the information described in this subsection pursuant to section 1003, subsection 2, paragraphs Q and R, as long as the board takes appropriate measures to protect the confidentiality of specific information designated as confidential by this section.

**AGENCY: Gambling Control Board  
Department of Public Safety**

**CONTACT PERSON: Chris Parr**

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 8 through 12 during 2021; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

## QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

**Financial and statistical information is disclosed on a weekly basis by unit auditors and is made available on the Units website at [Gambling Control Unit \(maine.gov\)](#). On a monthly basis, the Executive Director reports financial and statistical information to the Board during public meetings. Then on March 15 of each year the Executive Director publishes the annual reports of which are also available on the units website at [Publications - Gambling Control Unit \(maine.gov\)](#).**

2. Please state whether your agency supports or opposes continuation of this exception and explain the reasons for that position.

**Supports. As the disclosure of information on the website greatly reduces and inquiries for being transparent to more information now then was published prior to 2016.**

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

Right to Know Advisory Committee  
13 State House Station Augusta, Maine 04333  
Telephone: (207) 287-1670

**There have been no problems in this area. Clear in both cases.**

4. Does your agency recommend changes to this exception?

**No**

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

**Milton Champion**  
**Executive Director**  
**DPS, Gambling Control Unit**  
**45 Commerce Drive**  
**Augusta ME 04333**  
**207-626-3901**  
[milton.f.champion@maine.gov](mailto:milton.f.champion@maine.gov)

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

**The casino industry is a highly regulated and competitive industry and as such Maine needs to continue to uphold the confidentiality disclosed by any applicant, be it an individual, or company as is the case in any other state.**

Respectfully,



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STATUTE: [8 MRSA §1007, sub-§2](#)

**2. Reports from other jurisdictions.** Information or records in the possession of the board or the department received pursuant to an intelligence sharing, reciprocal use or restricted use agreement entered into by the board or the department with a federal department or agency or a law enforcement agency or gaming enforcement or regulatory agency of any jurisdiction are considered records or information within the meaning of section 1006, subsection 1 and may be disseminated only with the permission of the person or agency providing the information or records.

**AGENCY: Gambling Control Board  
Department of Public Safety**

**CONTACT PERSON: Chris Parr**

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Thank you.

### QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

**In the casino industry, states typically share information regarding all aspects of regulatory oversight. An applicant during the process authorizes by signature the release of information by any other entity for which the state is inquiring regarding their licensure in that state. This may also include financial, legal and adverse actions taken against the applicant. Information from federal authorities designated as confidential or from an applicant, licensee or key executive continues to remain confidential and there have been no requests for this information.**

2. Please state whether your agency supports or opposes continuation of this exception and explain the reasons for that position.

**Supports. Information has never been requested therefore the agencies were never contacted for permission to disseminate.**



3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

**There have been no problems in this area. Clear in both cases.**

4. Does your agency recommend changes to this exception?

**No**

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

**Any federal or state agency with information of an applicant's background.**

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

**The casino industry is a highly regulated and competitive industry and as such Maine needs to continue to uphold the confidentiality disclosed by any applicant, be it an individual, or company as is the case in any other state.**

Respectfully,



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[milton.champion@maine.gov](mailto:milton.champion@maine.gov)

**STATUTE: [8 MRSA §1052](#)**

All reports, information or records compiled by the board or the department pursuant to this subchapter regarding noncompliance with or violation of this chapter by an applicant, licensee, owner or key executive are confidential, except that the board may disclose any confidential information as follows.

**1. Hearings or proceedings.** Confidential information may be released in an adjudicatory hearing or informal conference before the board or in any subsequent formal proceeding to which the information is relevant.

**2. Consent agreements or settlements.** Confidential information may be released in a consent agreement or other written settlement when the information constitutes or pertains to the basis of board action.

**3. During investigation.** All complaints and investigative records of the board are confidential during the pendency of an investigation. Notwithstanding section 1006, the complaints and records become public records upon the conclusion of an investigation unless confidentiality is required by some other provision of law. For purposes of this subsection, an investigation is concluded when:

- A. A notice of an adjudicatory hearing as defined under Title 5, chapter 375, subchapter 1 has been issued;
- B. A consent agreement has been executed; or
- C. A letter of dismissal has been issued or the investigation has otherwise been closed.

**4. Exceptions.** Notwithstanding subsection 3, during the pendency of an investigation, a complaint or investigative record may be disclosed:

- A. To the department;
- B. To other state or federal agencies when the record contains evidence of possible violations of laws, rules or regulations enforced by those agencies or as the board or the board's designee considers appropriate;
- C. When and to the extent considered necessary by the director to avoid imminent and serious harm. The authority of the director to make such a disclosure may not be delegated
- D. Pursuant to rules adopted by the board, when it is determined that confidentiality is no longer warranted due to general public knowledge of the circumstances surrounding the complaint or investigation and when the investigation would not be prejudiced by the disclosure; or
- E. To the person investigated on request of that person. The director may refuse to disclose part or all of any investigative information, including the existence of an investigation if the director determines that disclosure would prejudice the investigation. The authority of the director to make such a determination may not be delegated.

**AGENCY: Gambling Control Board  
Department of Public Safety**

**CONTACT PERSON: Chris Parr**

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Thank you.

## QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

**When the current Director started in 2016 and a formal recording of alleged violations of law and/or rules of the Board was instituted, investigative information has been withheld until investigations were completed and dispositions were issued which in some cases led to monetary fines. Since then, the two casinos have come to a realization that they are being held more accountable for their actions. There has only been one hearing requested. Before 2016 there were no fines imposed. Since 2016 there have been fines totaling \$135,082.00.**

2. Please state whether your agency supports or opposes continuation of this exception and explain the reasons for that position.

**Supports. Any change would disrupt the investigative process and public safety.**

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

**There have been no problems in this area. Clear in both cases.**

4. Does your agency recommend changes to this exception?

**No**

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

**Michael Sauschuck  
Commissioner  
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45 Commerce Drive  
Augusta ME 04333  
207-626-3810  
[Michael.sauschuck@maine.gov](mailto:Michael.sauschuck@maine.gov)**

**Milton Champion  
Executive Director  
Gambling Control Unit  
45 Commerce Drive  
Augusta ME 04333  
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[milton.f.champion@maine.gov](mailto:milton.f.champion@maine.gov)**

**Aaron Frey  
Attorney General  
Maine Office of Attorney General  
6 State House Station  
Augusta ME 04333  
207-626-8800  
[aaron.frey@maine.gov](mailto:aaron.frey@maine.gov)**

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

**The casino industry is a highly regulated and competitive industry and as such Maine needs to continue to uphold the confidentiality disclosed by any applicant, be it an individual, or company as is the case in any other state.**

Respectfully,



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Right to Know Advisory Committee  
13 State House Station Augusta, Maine 04333  
Telephone: (207) 287-1670

**STATUTE:** [8 MRSA §1052, sub-§3](#)

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Department of Public Safety**

**CONTACT PERSON: Chris Parr**

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Thank you.

### QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

**This section works out very well for our processes and therefore we request that it remains.**

2. Please state whether your agency supports or opposes continuation of this exception and explain the reasons for that position.

**Support. See 1. Above.**

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

**There have been no problems in this area. Clear in both cases.**

4. Does your agency recommend changes to this exception?

**No**

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Michael Sauschuck  
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6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

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Respectfully,



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**STATUTE:** [12 MRSA §6072, sub-§10](#)

**AGENCY:** Department of Marine Resources

**CONTACT PERSON:** Melissa Macaluso

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Thank you.

## QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

Records under this exception include seeding and harvesting data for aquaculture leases. This information is held confidential similar to landings reports for wild harvest fisheries, and this is consistent with confidentiality for landings information afforded to federal and interstate fisheries and aquaculture landings statistics. DMR is infrequently asked for information under this particular exception, and when we are, we are usually able to work with the applicant to provide aggregated data that meets their need and protects the individual's reported data.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

We support the continuation of this exception as confidentiality is critical to our ability to obtain truthful and comprehensive harvesting reports from DMR lease holders. Furthermore, production information helps the State to accurately assess the value of its living marine resource economy.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the

records that are covered? **Yes, this exception is sufficiently clear because it references Section 6173 which provides additional detail.**

4. Does your agency recommend changes to this exception? **No.**
5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

**Maine Aquaculture Association (entity and membership)**

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.  
**N/A**



**STATUTE:** [12 MRSA §6072-A, sub-§17-A](#)

**AGENCY:** Department of Marine Resources

**CONTACT PERSON:** Melissa Macaluso

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Thank you.

## QUESTIONS

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2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

We support the continuation of this exception as confidentiality is critical to our ability to obtain truthful and comprehensive harvesting reports from DMR lease holders. Furthermore, production information helps the State to accurately assess the value of its living marine resource economy.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the

records that are covered? **Yes, this exception is sufficiently clear because it references Section 6173 which provides additional detail.**

4. Does your agency recommend changes to this exception? **No.**
5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

**Maine Aquaculture Association (entity and membership)**

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

**N/A**

**STATUTE:** [12 MRSA §6077](#)

**AGENCY:** Department of Marine Resources

**CONTACT PERSON:** Melissa Macaluso

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Thank you.

## QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

The Department receives confidential monthly reports from all finfish net-pen aquaculture facilities in the State. These reports are an accounting of fish and activities on-site during the month, average weight, feed dispensed, mortalities, harvest, and therapeutants used (if any). Rarely is the data in its entirety requested. Generally, The Department might receive requests for information that include annual harvest amounts and value for finfish aquaculture. Since 2011, a single company has conducted finfish net-pen aquaculture in Maine. As a result, the annual harvest totals and value can no longer be presented on DMR's website without violating Section 6173. Several times a year the Department might receive requests from members of the public or other state or federal agencies for salmon harvest totals and value and the Department must cite this exception.

The Department requires finfish net-pen facilities to report stocking numbers within 30 days of the date of stocking under Chapter 24 permits issued by the Department. While the permits themselves are not considered confidential, the numbers of fish stocked per site has been determined to be proprietary information. The Department has only ever received requests for this information from the National Marine Fisheries Service (NMFS) when compiling their annual report of aquaculture in the U.S. Since 2011, NMFS has also not been able to include this data in its reports.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

DMR supports the continuation of this exception as it is necessary for our effective management of marine resources in the state to understand total harvest of cultured products.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

It is sometimes difficult to ascertain whether the annual harvest data can be safely combined with other aquaculture products or fisheries statistics for public consumption.

It is clear that these records are confidential under the FOAA statutes.

4. Does your agency recommend changes to this exception?

No suggested changes.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Cooke Aquaculture, USA (Jennifer Robinson, [jennifer.robinson@cookeaqua.com](mailto:jennifer.robinson@cookeaqua.com) or (207) 853-6081. All land-based finfish facilities—DMR can provide a current list but currently includes *Whole Oceans, Nordic Aquafarms, American Unagi, Kingfish Maine*.

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

**STATUTE:** [12 MRSA §6078-A, sub-§1](#)

**AGENCY:** Department of Marine Resources

**CONTACT PERSON:** Melissa Macaluso

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## QUESTIONS

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Records under this exception protect the underlying harvest data, which absent this exception, could be used to determine harvest which is otherwise protected under 12 MRSA 6072 (10) and 6072-A (17-A). We receive very infrequent requests for these records; I am not aware of any such requests in my nine-year tenure with the Department.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

We support the continuation of this exception as confidentiality is critical to our ability to obtain truthful and comprehensive harvesting reports from DMR lease holders. Furthermore, production information helps the State to accurately assess the value of its living marine resource economy.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered? **Yes, this exception is sufficiently clear.**

4. Does your agency recommend changes to this exception? **No.**
5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

**Maine Aquaculture Association (entity and membership)**

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

**N/A**

**STATUTE:** [12 MRSA §6082](#)

**AGENCY:** Department of Marine Resources

**CONTACT PERSON:** Melissa Macaluso

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Thank you.

## QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

The Department has limited experience applying this public records exception. Through mutual agreement and shared bay management initiatives, the New Brunswick Department of Agriculture, Aquaculture, and Fisheries (NBDAAF) notifies the Department of any Infectious Salmon Anemia Virus (ISAV) detections at salmon net-pen aquaculture sites under their jurisdiction. Those advisory emails are labeled "confidential". The frequency of such notifications is unpredictable and varies significantly depending upon the disease status in the province. If disease is present The Department might receive advisories every few days. Alternatively, many months may pass between advisories if there is limited or no disease.

The Department does not recall any historical external requests for these records and therefore no citation of the exception has been utilized.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Department supports continuation of this exception to ensure continued transparency between regulatory agencies managing aquaculture in shared waters.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

No problems have been identified and the statute is sufficiently clear.

4. Does your agency recommend changes to this exception?

No changes recommended.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Perhaps New Brunswick DAAF? Historically we would not get sea lice counts or ISA reports from Canada because we couldn't keep them confidential. I believe this is the reason for the addition of this statute in 2007.

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.



**STATUTE:** [12 MRSA §6173, subsection 1](#)

**AGENCY:** Department of Marine Resources

**CONTACT PERSON:** Melissa Macaluso

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## QUESTIONS

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These records include landings information for wild harvest fisheries, as well as other information such as spatial, temporal and effort information related to fishing activity, and protect such information at the individual, trip or vessel level. This information is similarly protected by the federal government and interstate fisheries management entities as proprietary information. DMR frequently cites this exception as a basis for denying a request for records; such requests come in frequently from research entities interested in studying socio-economic or biological/ecological aspects of fishery harvests. We are usually able to work with the requestor to provide the data in an aggregated format that protects the individual harvester's data but meets the needs of the requestor. The individual submitter may waive the confidentiality of data they provide, and this is another avenue for it to be obtained (albeit a higher burden to obtain). Under court order, this information may be released for litigation purposes.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

We support the continuation of this exception as confidentiality is critical to our ability to obtain truthful and comprehensive harvesting reports from DMR license holders. This data is critical to our ability to assess the health of marine resources for their effective

management, both for the sustainability of the resource itself and its continued use for commercial and recreational harvest.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

This exception is sufficiently clear. The only issue that arises is in interpreting the definition of “successor organizations” which seems to refer to organizations which succeed the National Marine Fisheries Service. DMR interprets this to mean an instate fisheries management entity, such as the Atlantic States Marine Fisheries Commission, an entity doing direct contractual work for National Marine Fisheries Service, or an organization that would have the same jurisdiction as NMFS, should NMFS be dissolved or reorganized into a new agency at some point in the future.

4. Does your agency recommend changes to this exception?

No.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

All DMR license holders, or fishing industry associations in Maine (Maine Lobstermen’s Association, Maine Lobstering Union, Associated Fisheries of Maine, Maine Coast Fishermen’s Association, Downeast Lobstermen’s Association).

6. Please provide any further information that you believe is relevant to the Advisory Committee’s review.

N/A

**STATUTE:** [12 MRSA §6173-A, sub-§1](#)

**AGENCY:** Department of Marine Resources

**CONTACT PERSON:** Melissa Macaluso

The Right to Know Advisory Committee is established in Title 1, chapter 13 to serve as a resource for ensuring compliance with the Freedom of Access Act and upholding the integrity of the purposes underlying the Freedom of Access Act. Among its duties is to undertake review of existing provisions of law that allow records that would otherwise be public to be kept confidential. The Advisory Committee is required by law to complete a review of existing public records exceptions in Titles 8 through 12 during 2021; the exception cited above is within the scope of that review. We would appreciate your input during this process.

Thank you.

## QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

The Working Waterfront Access Protection Program (WWAPP) is administered by the Department of Marine Resources and the Land for Maine's Future program. The purpose of the WWAPP is for the State to purchase and hold restrictive covenants on Working Waterfront properties, that prevent the development of these properties in ways that are incompatible with their commercial fishing uses. As part of an application to the WWAPP, applicants provide business information, including profit/loss statements, tax filings and business plans. When submitting the application, they can designate components of the application "confidential" which the Department would then withhold in the event of a request for the application materials, although the Department would indicate that information exists. If the Department received a request for that specific information, there is a process specified in statute, where the Department would notify the original submitter and that individual has an opportunity to demonstrate that the information should not be made available because it is proprietary. Based on the strength of that demonstration, the Department could grant or deny disclosure for all or any part of the designated information.

In practice, individuals seeking to review prior WWAPP applications are typically interested only insofar as to understand what constitutes a successful application. We

have not received any requests for the business proprietary information contained within applications. There are very infrequent requests to review WWAPP applications.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

The Department supports continuation of this exception, because provision of this information is important to understand the financial position of the companies applying to the WWAPP. The purpose of the WWAPP is for the State to put a restrictive covenant on a property, so it is important to understand whether that is a good investment of public funds.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

No problems have occurred in the application of this exception.

4. Does your agency recommend changes to this exception?

The Department does not recommend any changes to the exception.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

As a partner in the Program, it may be beneficial to speak with the Director of the Land for Maine's Future Program (Sarah Demers, [Sarah.Demers@maine.gov](mailto:Sarah.Demers@maine.gov), 287-7576).

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

No further information.

**STATUTE:** [12 MRSA §6173-B, sub-§1](#)

**AGENCY:** Department of Marine Resources

**CONTACT PERSON:** Melissa Macaluso

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Thank you.

## QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This information includes information which is necessary for effective management of various resources within DMR's jurisdiction, but which would compromise proprietary business information for companies with unique business models or technologies in the state. This exception is used in very limited circumstances and applied very infrequently. It is rare that DMR receives requests for information protected by this exception, and therefore rare that it is cited as the basis for denial of a request.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

DMR supports the continuation of this exception, as impacted businesses have identified it as critical to their willingness to share information with the DMR that the agency deems necessary for effective management of its resources, but which the submitter is often more than willing to share for the exclusive use of the agency.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The language is sufficiently clear and there are no problems that have occurred in the application of this exception.

4. Does your agency recommend changes to this exception?

No.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Spinney Creek Shellfish

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

N/A

**STATUTE:** [12 MRSA §6310, sub-§3](#)

**AGENCY:** Department of Marine Resources

**CONTACT PERSON:** Melissa Macaluso

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Thank you.

## QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

This exception applies to medical information provided by an individual who seeks a medical waiver for failure to meet the eligibility criteria to obtain a limited-entry fishing license in various fisheries due to medical illness. The medical information provided to the Commissioner for his consideration in determining whether the waiver is appropriate is confidential under this exception. This information is infrequently requested, and therefore, this exception is infrequently used as a basis for denial of records production.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

DMR supports the continuation of this exception, as it provides critical information necessary to determine whether it is appropriate to waive the statutory requirements for license eligibility due to the unique medical circumstances of an individual at a particular point in time.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The language of the exception is sufficiently clear, and there are no problems in the application of this exception.

4. Does your agency recommend changes to this exception?

No.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

N/A

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

N/A



**STATUTE:** [12 MRSA §6455, sub-§1-B](#) [repealed effective 10/1/21]

**AGENCY:** **Lobster Promotion Council**  
**Department of Marine Resources**

**CONTACT PERSON:** **Melissa Macaluso**

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Thank you.

## QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

Information protected by this exception would be any portion of market studies or promotional plans and the information provided to the Maine Lobster Marketing Collaborative or developed by it that the Collaborative deems to be proprietary information. The MLMC has not yet determined that any information should be held as confidential under this exception, and therefore no requests have been made, and neither the MLMC nor the DMR has had any need to deny a request.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

DMR supports the continuation of this exception in order to protect the investment of public resources in market development for Maine lobster that is being made through the Collaborative.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

The exception is sufficiently clear.

4. Does your agency recommend changes to this exception?

No.

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

N/A

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

N/A

**STATUTE:** [12 MRSA §6749-S, sub-§1](#)

**AGENCY:** Department of Marine Resources

**CONTACT PERSON:** Melissa Macaluso

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Thank you.

## QUESTIONS

1. Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

These records are no longer provided under this statutory authority, and instead are collected under the authority of 12 MRSA 6173 as landings information required to be provided by wholesale dealers. Therefore, any request for such records would be addressed under the exception provided by 6173.

2. Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

DMR would be supportive of eliminating this section of statute as this exception is no longer needed.

3. Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

4. Does your agency recommend changes to this exception?  
The exception is sufficiently clear.

4. Does your agency recommend changes to this exception?

No/MAYBE?

5. Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

N/A

6. Please provide any further information that you believe is relevant to the Advisory Committee's review.

N/A