

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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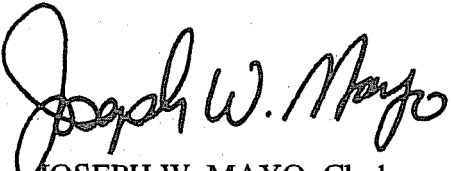
House of Representatives, April 28, 1993

Resolve, Directing Release of Investigative Records Related to Ballot Tampering.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative BOWERS of Washington.
Cosponsored by Representatives: ADAMS of Portland, BRENNAN of Portland, CHASE of China, CLARK of Millinocket, DiPIETRO of South Portland, FARNSWORTH of Hallowell, FITZPATRICK of Durham, GOULD of Greenville, GRAY of Sedgwick, HOLT of Bath, KETTERER of Madison, KILKELLY of Wiscasset, LEMKE of Westbrook, PARADIS of Augusta, PLOURDE of Biddeford, POULIN of Oakland, RICHARDSON of Portland, ROWE of Portland, TRACY of Rome, WENTWORTH of Arundel, WINN of Glenburn.

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

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6 Whereas, ballot tampering that occurred during electoral
recounts following the 1992 legislative elections raised
significant questions concerning the integrity of the electoral
8 process; and

10 Whereas, the facts uncovered during the Attorney General's
investigation into that ballot tampering have raised questions
12 concerning the behavior of certain public officials and whether
those officials have adequately discharged their public trust; and

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16 Whereas, before the Legislature and the citizens of the
State can reach any final conclusions with respect to the
behavior of the public officials involved, they would benefit
18 from reviewing the Attorney General's complete file concerning
the ballot tampering in question; and

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22 Whereas, the investigative records should be made available
as soon as possible while the Legislature is still in session so
that the members may promptly address all issues raised by the
24 ballot tampering incident; and

26 Whereas, these facts create a unique and unprecedented
situation that was not anticipated by the Legislature when it
28 enacted the Maine Revised Statutes, Title 5, section 200-D; and

30 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
32 Maine and require the following legislation as immediately
necessary for the preservation of the public peace and the
34 integrity of State Government; now, therefore, be it

36 **Sec. 1. Availability of records. Resolved:** That notwithstanding
the Maine Revised Statutes, Title 5, section 200-D or any other
38 provision of law, the Attorney General is directed to make
available for review by members of the Legislature and the public
40 all investigative records except for subpoenaed telephone records
related to ballot tampering that occurred during electoral
42 recounts in House Districts 35 and 38 following the 1992
legislative elections. Names, addresses, occupational positions
44 or any other information that would disclose the identity of
persons other than the Speaker of the House of Representatives,
46 the Majority Leader of the House of Representatives, candidates
involved in ballot recounts, persons who have pleaded guilty to
48 crimes related to ballot tampering, attorneys for any of the
foregoing and members of the Attorney General's or Secretary of
50 State's offices must be deleted from the records before their

2 public disclosure. The Attorney General may contact those
3 persons and allow the information about them to remain on record
4 if they so desire. Such records are to be made available for
5 public inspection under the provisions contained in Title 1,
6 section 408 that are applicable to public records, except that
7 the Attorney General has 30 working days to perform the deletions
8 specified in this section.

9 **Emergency clause.** In view of the emergency cited in the
10 preamble, this resolve takes effect when approved.

12 **STATEMENT OF FACT**

13 This resolve directs the Attorney General to make available
14 to the public all investigative records except for subpoenaed
15 telephone records related to ballot tampering that occurred
16 during the electoral recounts in House Districts 35 and 38
17 following the 1992 legislative elections.
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