

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1

L.D. 316

3

(Filing No. H- 181)

5

7

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

9

11

13

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 232,
L.D. 316, Bill, "An Act Relating to Confidentiality of
Investigative Records of Boards and Commissions"

15

17

Amend the amendment in that part designated "§8003-B." in
subsection 1 by striking out all of paragraph D (page 1, line 41
in the amendment) and inserting in its place the following:

19

21

'D. A letter of dismissal has been issued or the
investigation has otherwise been closed.'

23

25

Further amend the amendment in that part designated
"§8003-B." in subsection 2 in paragraph D in the last line (page
2, line 12 in amendment) by striking out the following: "and"

27

29

Further amend the amendment in that part designated
"§8003-B." in subsection 2 in paragraph E in the last line (page
2, line 17 in amendment) by striking out the following:
"delegated." and inserting in its place the following:
'delegated:'

31

33

35

Further amend the amendment in that part designated
"§8003-B." in subsection 2 by inserting at the end the following:

37

39

41

43

'F. Pursuant to rules which shall be promulgated by the
department, 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; and

45

47

49

G. To the person investigated on request. The commissioner
may refuse to disclose part or all of any investigative
information, including the fact of an investigation, when
the commissioner determines that disclosure would prejudice
the investigation. The authority of the commissioner to
make such a determination shall not be delegated.'

1 Further amend the amendment in that part designated
3 "S8003-B." by inserting at the end the following:

5 '4. Violation. A person who knowingly or intentionally
7 makes a disclosure in violation of this section commits a civil
9 violation for which a forfeiture not to exceed \$1,000 may be
11 adjudged.'

11 STATEMENT OF FACT

13 This amendment adds an additional exception for facts in the
15 public domain and adds a penalty for violations.

17 This amendment also clarifies the authority of the
19 commissioner to release investigatory information to the person
21 being investigated.

Filed by Rep. Allen of Washington
Reproduced and distributed under the direction of the Clerk of the
House
5/12/89 (Filing No. H-181)