

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 314, L.D. 819, Bill, "An Act to Provide Public Access to Records and Proceedings of Local and County Government Associations"

Amend the bill in section 3 by striking out all of paragraph D (page 1, lines 23 to 25 in L.D.) and inserting in its place the following:

'D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school districts or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities.'

Further amend the bill in section 4 in subsection 3 in the 7th and 8th lines (page 1, lines 36 and 37 in L.D.) by striking out the following: "including associations of such subdivisions." and inserting in its place the following: 'or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities.'

Further amend the bill in section 4 in subsection 3 in paragraph A in the last line (page 1, line 43 in L.D.) by striking out the following: "statute law" and inserting in its place the following: 'statute'

Further amend the bill in section 4 in subsection 3 in paragraph D in the last line (page 2, line 11 in L.D.) by striking out the following: "and" and inserting in its place the following: 'and'

Further amend the bill in section 4 in subsection 3 in paragraph E in the last line (page 2, line 20 in L.D.) by striking out the following: "." and inserting in its place the following: 'vz'

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Further amend the bill in section 4 in subsection 3 by inserting at the end the following:

'F. Records that would be confidential if they were in the possession or custody of an agency or public official of the State or any of its political or administrative subdivisions are confidential if those records are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; and

G. Materials related to the development of positions on legislation or materials that are related to insurance or insurance-like protection or services which are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities.'

STATEMENT OF FACT

This amendment revises the delineation of which organizations or associations should be subject to the freedom of access laws which govern the State and all its agencies and political and administrative subdivisions. This amendment makes the following associations subject to the freedom of access laws:

1. Any association composed of political or administrative subdivisions, such as municipalities or school administrative districts;

2. Any association composed of any boards, commissions, agencies or authorities of political or administrative subdivisions, such as school boards; or

3. Any association composed of any combination of any of the entities listed in 1 and 2.

These associations are appropriately subject to the freedom of access laws because their memberships are made up of public officials.

This amendment also clarifies that records designated confidential by legislative enactment constitute an exception to the freedom of access laws which is current law.

