## MAINE STATE LEGISLATURE

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1	L.D. 819
3	(Filing No. S-187)
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7	STATE OF MAINE SENATE
9	114TH LEGISLATURE FIRST REGULAR SESSION
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13 15	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"
17	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:
21	'D. The full membership meetings of any association, the
23	membership of which is composed exclusively of counties, municipalities, school districts or other political or administrative subdivisions; of boards, commissions,
25	agencies or authorities of any such subdivisions; or of any combination of any of these entities.
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29	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
31	subdivisions," and inserting in its place the following: ', or
3 3	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,'
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37	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
39	place the following: 'statute'
1	Further amend the bill in section 4 in subsection 3 in
13	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'
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.7	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
.9	striking out the following: "." and inserting in its place the following: '+:

## R. of S.

COMMITTEE AMENDMENT "A" to S.P. 314, L.D. 819 1 Further amend the bill in section 4 in subsection 3 by 3 inserting at the end the following: 5 '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 11 subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any 13 combination of any of these entities; and 15 G. Materials related to the development of positions on legislation or materials that are related to insurance or 17 insurance-like protection or services which are in the possession of an association, the membership of which is 19 composed exclusively of one or more political or administrative subdivisions of the State; of boards, 21 commissions, agencies or authorities of any such subdivisions; or of any combination of any of these 23 entities.' 25 STATEMENT OF FACT 27 29 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 31 33 35

political and administrative subdivisions. This amendment makes the following associations subject to the freedom of access laws:

- Any association composed of political or administrative subdivisions, such as municipalities or school administrative 37 districts;
- 39 Any association composed of any boards, commissions, authorities of political or or administrative 41 subdivisions, such as school boards; or
- 43 Any association composed of any combination of any of the entities listed in 1 and 2.

45 These associations are appropriately subject to the freedom of access laws because their memberships are made up of public 47 officials.

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

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## COMMITTEE AMENDMENT " A" to S.P. 314, L.D. 819

This amendment expands the list of records which are not public records and are therefore not subject to public inspection.

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1. Records that are already confidential under the freedom of access laws when in the possession or custody of the State or a political or administrative subdivision are also confidential, under this amendment, if the records are in the possession of an association whose membership is made up of political administrative subdivisions or their boards, commissions, agencies or authorities. These associations provide services to the political and administrative subdivisions and, in some respects, act as an extension of those governmental units. provision recognizes this relationship and extends confidentiality provided the records if in governmental custody to those same records if in the custody of one of the associations.

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2. Records that are developed by associations to propose or respond to legislation are made confidential by this amendment. This will put these associations on equal footing with private lobbying organizations which are not subject to the freedom of access laws.

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3. This amendment also makes confidential materials concerning insurance or insurance-like protection or services offered by these associations. Several of these associations offer workers' compensation or liability insurance to their members. The materials concerning the costs, benefits and other aspects are not public to ensure that the private sources of these services do not undercut or otherwise hinder the provision of the services.

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Reported by Senator Hobbins for the Committee on Judiciary. Reproduced and Distributed Pursuant to Senate Rule 12. (5/31/89) (Filing No. S-187)