

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1338

H.P. 960

House of Representatives, April 25, 1989

Reference to the Committee on State and Local Government suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative TOWNSEND of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act to Improve Public Access to Public Hearing Records of the
Department of Environmental Protection and the Board of
Environmental Protection.**



1 **Be it enacted by the People of the State of Maine as follows:**

3 **Sec. 1. 5 MRSA §8052, sub-§3-A** is enacted to read:

5 3-A. Computerized hearing records. In proceedings of the
7 Department of Environmental Protection or the Board of
9 Environmental Protection, transcriptions of hearing records shall
11 be produced on computer disk, a copy of which shall be on file at
13 the department within 24 hours after the hearing. These disks
15 shall be available for public review during normal business hours
17 and for duplication at actual cost under supervision of the
19 Department of Environmental Protection. These records are for
21 information only and are not a substitute for official
23 transcripts.

15 **Sec. 2. 5 MRSA §9059, sub-§3-A** is enacted to read:

17 3-A. Computerized hearing records. In proceedings of the
19 Department of Environmental Protection or the Board of
21 Environmental Protection, transcriptions of hearing records shall
23 be produced on computer disk, a copy of which shall be on file at
25 the department within 24 hours after the hearing. These disks
27 shall be available for public review during normal business hours
29 and for duplication at actual cost under supervision of the
31 Department of Environmental Protection. These records are for
33 information only and are not a substitute for official
35 transcripts.

29

31 **STATEMENT OF FACT**

33 In rule-making proceedings, parties and interested citizens
35 are given an opportunity to file written statements and arguments
37 within 10 days after the hearing, or within a longer time as the
39 agency may direct, but often the transcript of the hearing is not
41 available until the 10 days have elapsed. This is a particular
43 problem in Department of Environmental Protection proceedings
where there is much technical and scientific testimony on which
persons may wish to comment. Modern transcription services have
the ability to produce computer-readable records during the
transcription process, which, under this bill, would be produced
and made available to interested persons to improve the
rule-making process.