

# MAINE STATE LEGISLATURE

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R. 015

L.D. 1349

(Filing No. H-657 )

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1003, L.D. 1349, "Resolve,  
Directing Release of Investigative Records Related to Ballot  
Tampering"

Amend the resolve by striking out all of section 1 and  
inserting in its place the following:

**Sec. 1. Legislative finding. Resolved:** That the Legislature  
finds that there is an exceptional and unique public interest in  
disclosure of the records described in section 2 that outweighs  
interests in confidentiality; and be it further

**Sec. 2. Availability of records. Resolved:** That, notwithstanding  
the Maine Revised Statutes, Title 5, section 200-D or any other  
provision of law, the Attorney General is directed to make  
available for review by members of the Legislature and the public  
all investigative records, except for subpoenaed telephone  
records and information that could reasonably be expected to  
constitute an unwarranted invasion of personal privacy, related  
to ballot tampering that occurred during electoral recounts in  
House Districts 35 and 38 following the 1992 legislative  
elections. Names, addresses, occupational positions or any other  
information that would disclose the identity of persons other  
than the Speaker of the House of Representatives, the Majority  
Leader of the House of Representatives, candidates involved in  
ballot recounts, persons who have pleaded guilty to crimes  
related to ballot tampering, attorneys for any of the foregoing  
and members of the Attorney General's or Secretary of State's  
offices must be deleted from the records before their public  
disclosure. The Attorney General may contact those persons and  
allow the information about them to remain on record if they so  
desire. Such records are to be made available for public  
inspection under the provisions contained in

**COMMITTEE AMENDMENT**

2 Title 1, section 408 that are applicable to public records,  
except that the Attorney General has 30 working days to perform  
4 the deletions specified in this section.'

6 Further amend the resolve by inserting at the end before the  
statement of fact the following:

8 **FISCAL NOTE**

10 The additional costs to make available certain investigative  
12 records to the public related to ballot tampering during the  
recounts in House Districts 35 and 38 following the 1992  
14 legislative elections can be absorbed by the Department of the  
Attorney General utilizing existing budgeted resources.'

16 **STATEMENT OF FACT**

18 This amendment makes a legislative finding that there is an  
20 exceptional and unique public interest in disclosure of the  
records related to ballot tampering that outweighs interests in  
22 confidentiality.

24 The amendment also adds language to exempt from disclosure  
information that would result in an unwarranted invasion of  
26 personal privacy. This language is based on the federal Freedom  
of Information Act and federal case law interpreting that  
28 provision is relevant in interpreting this resolve.

Reported by the Committee on Judiciary  
Reproduced and distributed under the direction of the Clerk of the  
House  
6/9/93 (Filing No. H-657)