



117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1995

Legislative Document

No. 1626

S.P. 621

In Senate, December 22, 1995

An Act to Allow Recovery by the State of Costs Incurred by the Department of the Attorney General for Making Intelligence and Investigative Information Available to the Public.

(EMERGENCY)

Submitted by the Department of the Attorney General pursuant to Joint Rule 24. Received by the Secretary of the Senate on December 20, 1995. Referred to the Committee on Judiciary and ordered printed pursuant to Joint Rule 14.

May Th. ? Frees

MAY M. ROSS Secretary of the Senate

Presented by Senator MILLS of Somerset.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, legislative action is immediately necessary to ensure a funding mechanism to cover the costs associated with providing access and copying of records available to the public under Public Law 1993, chapter 719; and

10 Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of
12 Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and
14 safety; now, therefore,

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

18 Sec. 1. 5 MRSA §203-B is enacted to read:

20 <u>\$203-B. Recovery of costs in making intelligence and</u> investigative information available to the public

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Notwithstanding any other provision of law, when the 24 Attorney General provides access to intelligence and investigative information pursuant to Title 1, chapter 13, and Title 16, chapter 3, subchapter VIII, the Attorney General must 26 bill the requesting person for all actual costs incurred in the preparation and release of the information, including attorney, 28 investigator, paralegal and other staff time, and other direct 30 costs, such as for copying, transcription and supplies. The Attorney General, before responding to a request, may require the 32 requestor to advance funds sufficient to meet the estimated costs to be incurred by the Department of the Attorney General in complying with that request. All funds collected must be 34 deposited to the General Fund.

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Emergency clause. In view of the emergency cited in the 38 preamble, this Act takes effect when approved.

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STATEMENT OF FACT

This bill establishes the funding mechanism required by the 44 Maine Revised Statutes, Title 16, section 623, which was enacted by Public Law 1993, chapter 719, section 9, to cover the costs 46 associated with providing access to and copying of intelligence and investigative information available to the public pursuant to 48 the Maine Revised Statutes, Title 1, chapter 13 and Title 16, chapter 3, subchapter VIII. All funds collected must be 50 deposited to the General Fund.