

MAINE STATE LEGISLATURE

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L.D. 1847

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DATE: March 26, 1996 (Filing No. S-529)

JUDICIARY

Reported by: Senator MILLS of Somerset for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 739, L.D. 1847, Bill, "An Act to Amend the Freedom of Access Laws to Include Policy-influencing and Fact-finding Advisory Boards and Commissions in the Definition of Public Proceedings"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Freedom of Access Laws to Include Advisory Boards and Commissions in the Definition of Public Proceedings'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 1 MRSA §402, sub-§2, ¶D, as amended by PL 1991, c. 848, §1, is further amended to read:

D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units 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; and

Sec. 2. 1 MRSA §402, sub-§2, ¶E, as enacted by PL 1991, c. 848, §1, is amended to read:

E. The board of directors of a nonprofit, nonstock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees; and

COMMITTEE AMENDMENT

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Sec. 3. 1 MRSA §402, sub-§2, ¶F is enacted to read:

F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter.

Sec. 4. 1 MRSA §402, sub-§3, ¶¶H and I, as enacted by PL 1991, c. 448, §2, are amended to read:

H. Medical records and reports of municipal ambulance and rescue units and other emergency medical service units, except that such records and reports must be available upon request to law enforcement officers investigating criminal conduct; and

I. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter; and

Sec. 5. 1 MRSA §402, sub-§3, ¶J is enacted to read:

J. Working papers, including records, drafts and interoffice and intraoffice memoranda, used or maintained by any advisory organization covered by subsection 2, paragraph F, or any member or staff of that organization during the existence of the advisory organization. Working papers are public records if distributed by a member or in a public meeting of the advisory organization.

Sec. 6. Application. This Act applies to all laws, resolves and Executive Orders effective after the effective date of this Act.'

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

FISCAL NOTE

The additional costs associated with increased notification requirements created by expanding the entities to which the Freedom of Access Law applies can be absorbed by any affected

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2 state departments and agencies utilizing existing budgeted
resources.'

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STATEMENT OF FACT

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8 This amendment replaces the bill. It expands the entities
to which the freedom of access laws apply to include advisory
10 organizations, including authorities, boards, commissions,
committees, councils, task forces and similar organizations that
12 are advisory in nature and that are created by law or resolve or
by an Executive Order of the Governor. This does not include any
14 boards or commissions already subject to the freedom of access
laws. The law, resolve or Executive Order may exempt the
16 organization from the freedom of access laws by including a
specific statement that the organization is exempt from the
18 freedom of access laws. The meetings of all these organizations
will be subject to the public meeting and public notice
requirements.

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22 This amendment provides an exemption from the definition of
"public records" for the working papers and internal documents of
an advisory organization until the organization goes out of
24 existence, at which time they become public records. Working
papers become public records before the organization terminates
26 if they are distributed by a member or in a public meeting of the
advisory organization.