

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1157

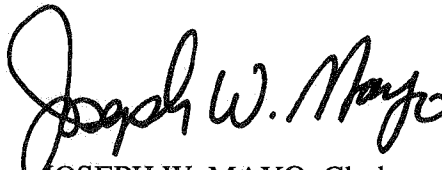
H.P. 852

House of Representatives, February 20, 1997

**An Act to Grant to Joint Standing Committees of the Legislature Access  
to Confidential Information.**

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Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative MARVIN of Cape Elizabeth.  
Cosponsored by Senator BENOIT of Franklin and  
Representatives: BRAGDON of Bangor, MADORE of Augusta, MAILHOT of Lewiston,  
PLOWMAN of Hampden, QUINT of Portland, Senators: MILLS of Somerset, PARADIS of  
Aroostook.

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

Sec. 1. 3 MRSA §165, sub-§7, as amended by PL 1985, c. 377, §1, is further amended to read:

7. Other subpoenas, etc. When the duties assigned to a committee so require, the Legislature may grant to it the power to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. When the Legislature grants this power to a joint standing committee or joint select committee, such committee shall function as an investigating committee and shall be subject to the provisions of chapter 21. No appropriation or allocation may be made for a specific study unless the Legislative Council has first approved a budget adopted by the joint standing committee which that is to conduct the study. No appropriation or allocation may be made for the operation of any joint select committee unless the Legislative Council has first approved a budget adopted by the joint select committee. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of a committee, or on the refusal of any witness to testify to any matters regarding which he the witness may be lawfully interrogated, it shall ~~be~~ is the duty of the Superior Court of any county, on application of a member of a committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Each witness, other than a state officer or employee, who appears before a committee by its order or subpoena shall may receive for ~~his~~ the witness' attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall must be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the ~~chairman~~ chair of the committee; and

Sec. 2. 3 MRSA §165, sub-§9 is enacted to read:

9. Access to confidential information. Notwithstanding any provision of state law or rule pertaining to confidentiality of information or records, a committee may meet in executive session pursuant to Title 1, chapter 13, subchapter 13 to consider confidential information or records, if the subject matter of the information or records is within the subject matter jurisdiction of the committee.

## SUMMARY

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This bill allows joint standing committees of the Legislature to meet in executive session for the purpose of considering information and records designated by state law or rule as confidential, provided the subject matter is within the jurisdiction of the committee.