

MAINE STATE LEGISLATURE

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L.D. 1173

DATE: *May 16, 1997*

(Filing No. S-253)

STATE AND LOCAL GOVERNMENT

Reported by: *Senator Libby*

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STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 354, L.D. 1173, Bill, "An Act to Preserve Public Access to Governmental Information through Libraries Regardless of Format or Medium"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

'Sec. 1. 1 MRSA §501-A, as repealed and replaced by PL 1987, c. 402, Pt. A, §2, is repealed and the following enacted in its place:

§501-A. Publications of state agencies

1. Definitions. As used in this section, the term "publications" includes periodicals; newsletters; bulletins; pamphlets; leaflets; directories; bibliographies; statistical reports; brochures; plan drafts; planning documents; reports; special reports; committee and commission minutes; informational handouts; and rules and compilations of rules, regardless of number of pages, number of copies ordered, physical size, publication medium or intended audience inside or outside the agency.

2. Production and distribution. The publications of all agencies, the University of Maine System and the Maine Maritime Academy may be printed, bound and distributed, subject to Title 5, sections 43 to 46. The State Purchasing Agent may determine the style in which publications may be printed and bound, with the approval of the Governor.

2 3. Annual or biennial reports. Immediately upon receipt of
3 any annual or biennial report that is not included in the Maine
4 State Government Annual Report provided for in Title 5, sections
5 43 to 46, the State Purchasing Agent shall deliver at least 55
6 copies of that annual or biennial report to the State Librarian
7 for exchange and library use. The State Purchasing Agent shall
8 deliver the balance of the number of each such report to the
9 agency that prepared the report.

10 4. State agency and legislative committee publications.
11 Except as provided in subsection 5, any agency or legislative
12 committee issuing publications, including publications in an
13 electronic format, shall deliver 18 copies of the publications in
14 the published format to the State Librarian. These copies must be
15 furnished at the expense of the issuing agency. Publications not
16 furnished upon request will be reproduced at the expense of the
17 issuing agency. The agency or committee preparing a publication
18 may determine the date on which a publication may be released,
19 except as otherwise provided by law.

20 5. Electronic publishing. An agency or committee that
21 electronically publishes information to the public is only
22 required to provide the State Librarian with one printed copy of
23 an electronically published publication. An electronically
24 published publication is not required to be provided to the State
25 Librarian if the publication is also published in print or in an
26 electronic format and is provided to the State Librarian in
27 compliance with subsection 4 or the publication is:
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29 A. Designed to provide the public with current information
30 and is subject to frequent additions and deletions, such as
31 current lists of certified professionals, daily updates of
32 weather conditions or fire hazards; or

33 B. Designed to promote the agency's services or assist
34 citizens in use of the agency's services, such as job
35 advertisements, application forms, advertising brochures,
36 letters and memos.

37 6. Forwarding of requisitions. The State Purchasing Agent,
38 Central Printing and all other printing operations within State
39 Government shall forward to the State Librarian upon receipt one
40 copy of all requisitions for publications to be printed.'

41 Further amend the bill by inserting at the end before the
42 summary the following:
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FISCAL NOTE

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The additional costs associated with providing copies of
electronic publications to the Maine State Library can be
absorbed by state departments and agencies utilizing existing
budgeted resources.'

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SUMMARY

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This amendment replaces the bill. It restructures the
entire section of law regarding publications of state agencies to
make the section easier to read. It deletes the requirement that
an agency provide 18 print copies of a publication in electronic
format, such as CD or videotape, as well as providing 18 copies
in the electronic format. It also exempts certain types of
electronically published materials, such as materials placed on
the Internet, from the requirement to provide the State Librarian
with a copy of the material. The amendment also adds a fiscal
note to the bill.

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