

# MAINE STATE LEGISLATURE

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L.D. 205

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 143, L.D. 205, Bill, "An Act to Require Electronic Recording of Closed Sessions of Public Bodies"

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

'An Act to Require a Written Record of the Subject Matters Discussed in Executive Sessions'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 1 MRSA §405, sub-§7 is enacted to read:

7. Record of subject matters discussed. The agency or body shall keep a written record of the subject matters discussed

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2 during executive sessions. This record is a public record. The  
3 record must describe the precise nature of matters discussed in  
4 executive sessions, without revealing information that is  
5 protected by this section.'

6 Further amend the bill by inserting at the end before the  
7 summary the following:

10 **FISCAL NOTE**

12 This bill will require local units of government to keep a  
13 written record of the subject matters discussed during executive  
14 sessions. The additional local costs of this state mandate are  
15 expected to be minor. Pursuant to the Mandate Preamble, the  
16 two-thirds vote of all members elected to each House exempts the  
17 State from the constitutional requirement to fund 90% of the  
18 additional local costs.

20 Several state agencies will also incur some minor additional  
21 costs to keep a written record of the subject matters discussed  
22 during executive sessions. These costs can be absorbed within  
23 those agencies' existing budgeted resources.

24 This bill may increase the number of civil violations filed  
25 in the court system. The additional workload and administrative  
26 costs associated with the minimal number of new cases filed can  
27 be absorbed within the budgeted resources of the Judicial  
28 Department. The collection of additional fines may also increase  
29 General Fund revenue by minor amounts.'

32 **SUMMARY**

34 This amendment replaces the bill. Instead of requiring the  
35 public agency or body to make an electronic recording of  
36 executive sessions, it requires that a written record be kept of  
37 the subject matters discussed in executive sessions. The record  
38 is a public record.

40 The amendment adds a mandate preamble and a fiscal note to  
41 the bill.