

MAINE STATE LEGISLATURE

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M
R. W. S.

L.D. 1857

DATE: 5-6-99

(Filing No. H-479)

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

COMMITTEE AMENDMENT "A" to H.P. 1296, L.D. 1857, Bill, "An Act to Amend the Freedom of Access Laws"

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

'Sec. 1. 1 MRSA §410, as repealed and replaced by PL 1987, c. 477, §6, is amended to read:

§410. Violations

For every willful violation of this subchapter, the state government agency or local government entity whose officer or employee committed the violation shall-be is liable for a civil violation for which a forfeiture of not more than \$500 may be adjudged.

An action may be brought under this section by the Attorney General or a district attorney. Any other person may bring an action under this section if the Attorney General fails to bring an action within 30 days after receiving a written complaint alleging a violation of this subchapter. Any forfeiture imposed in such an action is payable to the State.'

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

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FISCAL NOTE

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

SUMMARY

This amendment replaces the bill. It allows a person other than the Attorney General or a district attorney to bring an action to enforce the freedom of access laws if the Attorney General fails to bring an action within 30 days after receiving a complaint of a violation. Any civil forfeiture recovered in the action is paid to the State, not to the person bringing the action.

This amendment also adds a fiscal note to the bill.