

MAINE STATE LEGISLATURE

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L.D. 2153

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MAJORITY
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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1647, L.D. 2153, Bill, "An Act to Amend the Freedom of Access Laws to Protect Security Plans"

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

'An Act to Amend the Freedom of Access Laws to Protect Security Plans, Security Procedures and Risk Assessments'

Further amend the bill in section 3 by striking out all of paragraph L (page 1, lines 28 to 34 in L.D.) and inserting in its place the following:

'L. Records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism, but only to the extent that release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public. Information contained in records covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. For purposes of this paragraph, "terrorism" means conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure.'

COMMITTEE AMENDMENT

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

6 **FISCAL NOTE**

8 All State Government agencies with information concerning
certain security plans, procedures and risk assessments will
10 realize some minor savings from adding an exception to the
definition of "public records" in the freedom of access laws.
12 The amount of those savings and when such savings will be
realized can not be determined at this time.

14 This bill may decrease the number of civil suits filed in
16 the court system. The Judicial Department may realize some minor
savings from reductions of workload and administrative costs
18 associated with the minimal number of cases that will no longer
be filed. Reductions in the collection of filing fees may
20 decrease General Fund revenue by minor amounts. '

22 **SUMMARY**

24 This amendment replaces section 3 of the bill. It clarifies
26 that the security-related information governed by the Maine
Revised Statutes, Title 1, section 402, subsection 3, paragraph L
28 specifically concerns preventing or preparing for acts of
terrorism and provides a definition of terrorism that closely
30 mirrors the definitions in proposed changes to the Maine Criminal
Code. It also clarifies that only that information that, if
32 released, could pose a threat to public safety is covered by this
exemption. Finally, it adds the term "risk assessments" to the
34 description of security-related information in order to prevent
the disclosure of information that could permit exploitation of
36 existing vulnerabilities.

38 This amendment also adds a fiscal note to the bill.