

# MAINE STATE LEGISLATURE

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R.O.S.

L.D. 1079

DATE: 5-12-03

(Filing No. H-326)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 797, L.D. 1079, "Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws"

Amend the resolve in the emergency preamble by striking out all of the 3rd paragraph (page 1, lines 10 and 11 in L.D.) and inserting in its place the following:

'Whereas, a study by the Maine Freedom of Information Coalition done in 2002 revealed evidence that suggested that citizens' access to public records is often restricted in contravention of law; and'

Further amend the resolve in section 1 in the 2nd line (page 1, line 25 in L.D.) by striking out the following: "laws" and inserting in its place the following: 'Laws'

Further amend the resolve in section 2 in the first paragraph in the 2nd line (page 1, line 30 in L.D.) by striking out the following: "12" and inserting in its place the following: '16'

Further amend the resolve in section 2 by inserting after subsection 10 the following:

'11. The Commissioner of Public Safety, or the commissioner's designee;

12. One member representing county commissioners, appointed by the President of the Senate;

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 797, L.D. 1079

13. One member representing the Maine Sheriffs' Association, appointed by the President of the Senate;

14. One member representing persons whose privacy interests are protected by the freedom of access laws, appointed by the President of the Senate;

Further amend the resolve in section 2 by renumbering the subsections to read consecutively.

Further amend the resolve in section 4 in subsection 4 in the last line (page 3, line 4 in L.D.) by striking out the following: "and"

Further amend the resolve in section 4 in subsection 5 in the last line (page 3, line 9 in L.D.) by striking out the following: "be it further"

Further amend the resolve in section 4 by inserting after subsection 5 the following:

'6. Study whether and to what extent the freedom of access laws may be used as a harassment tool against local governmental entities and what remedies may be available and appropriate to deter any such harassment; and be it further'

Further amend the resolve by inserting after section 6 the following:

**'Sec. 7. Funding. Resolved:** That the committee may seek and accept outside funds to advance its work. Prompt notice of solicitation and acceptance of funds must be sent to the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose and any limitation on the use of the funds. The Executive Director of the Legislative Council administers any funds received; and be it further'

Further amend the resolve in section 8 in the last line (page 3, line 46 in L.D.) by striking out the following: "extension." and inserting in its place the following: 'extension; and be it further'

Further amend the resolve by inserting after section 8 the following:

**'Sec. 9. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

R. of S.

2 **LEGISLATURE**

4 **Committee to Study Compliance with  
Maine's Freedom of Access Laws**

6 Initiative: Provides a base allocation of Other Special Revenue  
8 funds to authorize expenditures from this dedicated account.

10	<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
	All Other	\$500	\$0
12		<hr/>	<hr/>
14	Other Special Revenue Funds Total	\$500	\$0

16 Further amend the resolve by relettering or renumbering any  
18 nonconsecutive Part letter or section number to read  
consecutively.

20 **SUMMARY**

22 This amendment clarifies the emergency preamble, expands the  
24 membership of the Committee to Study Compliance with Maine's  
Freedom of Access Laws, expands the duties of the study committee  
26 and authorizes the study committee to seek and accept outside  
funding.

28 The emergency preamble is revised to clarify that the study  
30 on freedom of access laws compliance was conducted by the Maine  
Freedom of Information Coalition. The language is also clarified  
32 to provide that the study revealed evidence that suggested that  
citizens' access to public records is often restricted in  
34 contravention of law.

36 The membership of the study committee is expanded by 4 for a  
total of 16 members. Added to the membership are the  
38 Commissioner of Public Safety or the commissioner's designee,  
representatives of county commissioners and the Maine Sheriffs'  
40 Association and a representative of persons whose privacy  
interests are protected by the freedom of access laws.

42 The duties of the study committee are expanded to include  
44 studying whether and to what extent the freedom of access laws  
may be used as a harassment tool against local governmental  
46 entities and what remedies may be available and appropriate to  
deter such harassment.

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 797, L.D. 1079

2 This amendment provides that the study committee may seek  
and accept outside funding.

4

**FISCAL NOTE REQUIRED**  
(See attached)

6

**COMMITTEE AMENDMENT**

**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 1079**

**Resolve, To Establish the Committee To Study Compliance with Maine's  
Freedom of Access Laws**

**LR 0881(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Judiciary**

**Fiscal Note Required: Yes**

**Fiscal Note**

Current Costs - Legislative Study

	2003-04	2004-05	Projections 2005-06	Projections 2005-06
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$500	\$0	\$0	\$0

**Legislative Study**

The projected costs to fund the general operating expenses of this study are \$4,480 in fiscal year 2003-04. Authorizing the committee to accept funds from other sources may result in the collection of Other Special Revenue funds in fiscal year 2003-04. A base allocation of Other Special Revenue funds in the amount of \$500 is included to authorize expenditures from this dedicated account. The Legislature has budgeted \$30,000 in fiscal year 2003-04 for legislative studies. Whether that amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. Costs associated with serving on the committee can be absorbed by the Department of the Attorney General and the Department of Public Safety utilizing existing budgeted resources.