

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

R.S.

L.D. 301

DATE: 6/3/5

(Filing No. H-632)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 226, L.D. 301, Bill, "An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws"

Amend the bill in section 1 in that part designated "§411." by striking out all of subsections 6 and 7 and inserting in their place the following:

'6. Duties and powers. To the extent of available resources, the committee:

A. Shall provide to the review committee under subchapter 1-A information and advice concerning the review of exceptions to public records under subchapter 1-A and shall assist the review committee in ensuring that the schedule for review is maintained, that proposed exceptions are subject to the review process and that the criteria for review are appropriately applied;

B. Shall review the public's access to public proceedings and records;

C. Shall make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and regional governmental entities for changes in law and practice that are appropriate to maintain the integrity of the freedom of access laws and their underlying principles;

COMMITTEE AMENDMENT

2 D. Shall serve as an adviser to the Legislature when
legislation affecting public access is considered;

4 E. Shall prepare interpretive and educational materials and
programs concerning the freedom of access laws in
6 cooperation with the Attorney General;

8 F. Shall respond to inquiries made by the public and public
agencies and officials concerning the freedom of access laws;

10 G. May conduct public hearings, conferences, workshops and
other meetings to obtain information about, discuss,
12 publicize the needs of and consider solutions to problems
14 concerning access to public proceedings and records;

16 H. May submit legislation to the Legislature at the start
of each legislative session; and

18 I. May undertake other activities consistent with its
20 responsibilities.'

22 Further amend the bill in section 1 in that part designated
24 "§411." by inserting after subsection 10 the following:

26 '11. Assistance. The committee may request from any public
agency or official assistance and information to enable the
28 committee to effectively carry out the responsibilities described
in this section.'

30 Further amend the bill in section 1 in that part designated
32 "§411." in subsection 11 in the first line (page 3, line 37 in
L.D.) by striking out the following: "January 15" and inserting
34 in its place the following: 'December 1'

36 Further amend the bill in section 1 in that part designated
"§411." by renumbering the subsections to read consecutively.

38 Further amend the bill by striking out all of section 3.

40 Further amend the bill by relettering or renumbering any
42 nonconsecutive Part letter or section number to read
consecutively.

44

SUMMARY

46

48 This amendment deletes the Public Access Ombudsman from the
bill and shifts some of the responsibilities to the Freedom of
Access Advisory Committee. It also revises the language to
50 clarify that the advisory committee provides information and

COMMITTEE AMENDMENT "A" to H.P. 226, L.D. 301

2 advice to the Joint Standing Committee on Judiciary as it
conducts freedom of access reviews of public records exceptions,
4 and assists the committee in ensuring that the schedule for
review is maintained. It also clarifies that the advisory
6 committee may request assistance and information from public
agencies and officials, but removes the language requiring
cooperation.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 06/02/05 *MAC*

122nd MAINE LEGISLATURE

LD 301

LR 0113(02)

An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws

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

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Current Costs - Legislative Study

Legislative Study

The projected costs to fund the general operating expenses of the ongoing Freedom of Access Advisory Committee are \$6,240 annually beginning in fiscal year 2005-06. The Legislature's budget includes \$30,000 in fiscal year 2005-06 and \$20,000 in fiscal year 2006-07 for legislative studies. Whether the amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.