

MAINE STATE LEGISLATURE

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DATE: 6-17-05

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

HOUSE 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 by striking out the title and substituting the following:

'Resolve, To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws'

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

'Sec. 1. Advisory committee established. Resolved: That the Freedom of Access Advisory Committee, referred to in this resolve as "the committee," is established to serve as a resource for ensuring compliance with the Maine Revised Statutes, Title 1, chapter 13, subchapters 1 and 1-A and upholding the integrity of the purposes underlying subchapter 1 as it applies to all public entities in the conduct of the public's business; and be it further

Sec. 2. Membership. Resolved: That the committee consists of the following 13 members:

1. One Senator, appointed by the President of the Senate, who serves as Senate chair;

2. One member of the House of Representatives, appointed by the Speaker of the House, who serves as House chair;

3. One representative of municipal interests, appointed by the Governor;

4. One representative of county or regional interests, appointed by the President of the Senate;

2 5. One representative of school interests, appointed by the
Governor;

4 6. One representative of law enforcement interests,
6 appointed by the President of the Senate;

8 7. One representative of the interests of State Government,
appointed by the Governor;

10 8. One representative of a statewide coalition of advocates
12 of freedom of access, appointed by the Speaker of the House;

14 9. One representative of newspaper and other press
interests, appointed by the President of the Senate;

16 10. One representative of broadcasting interests, appointed
18 by the Speaker of the House;

20 11. One representative of the public, appointed by the
Speaker of the House;

22 12. The Attorney General or the Attorney General's
24 designee; and

26 13. The committee shall invite the Chief Justice of the
Supreme Judicial Court to designate a member of the judicial
28 branch to serve as a member of the committee; and be it further

30 **Sec. 3. Appointments; convening first meeting. Resolved:** That all
appointments must be made no later than 15 days following the
32 effective date of this resolve. The appointing authorities shall
notify the Executive Director of the Legislative Council once all
34 appointments have been completed. Within 15 days after
appointment of all members the chairs shall call and convene the
36 first meeting of the committee, which must be no later than
October 1, 2005; and be it further

38 **Sec. 4. Meetings. Resolved:** That the committee may meet up to
40 3 times; and be it further

42 **Sec. 5. Duties and powers. Resolved:** That the committee:

44 1. Shall provide to the review committee under the Maine
Revised Statutes, Title 1, chapter 13, subchapter 1-A information
46 and advice concerning the review of exceptions to public records
under subchapter 1-A and shall assist the review committee in
48 ensuring that the schedule for review is maintained, that
proposed exceptions are subject to the review process and that
50 the criteria for review are appropriately applied;

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

3. 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; and be it further

Sec. 6. Reimbursement for expenses. Resolved: That the legislative members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the committee; and be it further

Sec. 7. Assistance. Resolved: That the committee may request from any public agency or official assistance and information to enable the committee to effectively carry out the responsibilities described in this section; and be it further

Sec. 8. Report. Resolved: That by December 7, 2005 the committee shall report to the Governor, the Legislative Council, the Joint Standing Committee on Judiciary and the Chief Justice of the Supreme Judicial Court about the state of the freedom of access laws and the public's access to public proceedings and records. The joint standing committee may report out a bill to make necessary changes in law.'

SUMMARY

This amendment changes the bill to a resolve, makes the Freedom of Access Advisory Committee temporary rather than permanent, adjusts the duties of the advisory committee and makes changes to conform to the drafting standards for studies approved by the Legislative Council and the Joint Rules.

SPONSORED BY:

(Representative DUPLESSIE)

TOWN: Westbrook

FISCAL NOTE REQUIRED
(See attached)



Approved: 06/16/05 *MAC*

122nd MAINE LEGISLATURE

LD 301

LR 0113(04)

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

Fiscal Note for House Amendment "A"

Sponsor: Rep. Duplessie

Fiscal Note Required: Yes

Fiscal Note

Reduced Cost - Legislative Study

Legislative Study

This amendment decreases the cost of the study by \$3,000 in fiscal year 2005-06 and \$6,240 in fiscal year 2006-07. As amended, the total cost of this study is \$3,240 in fiscal year 2005-06 and will be funded within the Legislature's current study budget.