

MAINE STATE LEGISLATURE

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Date: 6/11/07

L.D. 1822
(Filing No. H-536)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1270, L.D. 1822, Bill, "An Act To Implement the Recommendations of the Right To Know Advisory Committee"

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §412 is enacted to read:

§412. Public records and proceedings training for certain elected officials

1. Training required. Beginning July 1, 2008, an elected official subject to this section shall complete a course of training on the requirements of this chapter relating to public records and proceedings. The official shall complete the training not later than the 120th day after the date the elected official takes the oath of office to assume the person's duties as an elected official. For elected officials subject to this section serving in office on July 1, 2008, the training required by this section must be completed by November 1, 2008.

2. Approval by advisory committee; minimum requirements. The training course under subsection 1 must be approved by the advisory committee. The training must be designed to be completed by an official in less than 2 hours. At a minimum, the training must include instruction in:

A. The general legal requirements of this chapter regarding public records and public proceedings;

COMMITTEE AMENDMENT

1 B. Procedures and requirements regarding complying with a request for a public
2 record under this chapter; and

3 C. Penalties and other consequences for failure to comply with this chapter.

4 **3. Certification of completion.** Upon completion of the training course under
5 subsection 1, the elected official shall send a written or an electronic notification to the
6 advisory committee attesting to the fact that the training has been completed. The
7 advisory committee shall maintain a record of those elected officials who have completed
8 the training required by this section and make that record available to the public in
9 accordance with the requirements of this chapter.

10 **4. Application.** This section applies to:

11 A. The Governor;

12 B. The Attorney General, Secretary of State, Treasurer of State and State Auditor;

13 C. Members of the Legislature; and

14 D. An elected official of a county, municipality, school district or school board or
15 any regional or other political subdivision who, as part of the duties of the office,
16 exercises executive or legislative powers.'

17 **SUMMARY**

18 This amendment revises the freedom of access training requirement for elected
19 officials to delay the effective date to July 1, 2008. The amendment deletes the section of
20 the bill that creates the Public Access Ombudsman and instead requires that the training
21 course be approved by the Right To Know Advisory Committee. It also requires elected
22 officials to send a written or electronic notification to the Right To Know Advisory
23 Committee when they have completed their training. It also adds a mandate preamble to
24 the bill.

FISCAL NOTE REQUIRED
(See attached)



123rd MAINE LEGISLATURE

LD 1822

LR 2538(02)

An Act To Implement the Recommendations of the Right To Know Advisory Committee

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Judiciary
Fiscal Note Required: Yes

Fiscal Note

State Mandate - Exempted

State Mandates

Required Activity

This bill requires certain elected officials of a county, municipality, school district or school board to complete a training course related to public records and proceedings. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.

Unit Affected

School
Municipality

Costs

Insignificant

Fiscal Detail and Notes

The additional costs to review and approve the freedom of access training can be absorbed by the advisory committee utilizing existing budgeted resources.