

MAINE STATE LEGISLATURE

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1
2 Date: 4/2/08

L.D. 1923
(Filing No. H-904)



3 JUDICIARY

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5 STATE OF MAINE
6 HOUSE OF REPRESENTATIVES
7 123RD LEGISLATURE
8 FIRST SPECIAL SESSION

9 COMMITTEE AMENDMENT "A" to H.P. 1361, L.D. 1923, Bill, "An Act To
10 Implement the Recommendations of the Right To Know Advisory Committee Creating
11 the Public Access Ombudsman"

12 Amend the bill in section 1 in §200-I by striking out all of subsection 4 (page 1, lines
13 28 to 33 in L.D.) and inserting the following:

14 '4. Confidentiality. The ombudsman may access records that a public agency or
15 official believes are confidential in order to make a recommendation concerning whether
16 the public agency or official may release the records to the public. The ombudsman's
17 recommendation is not binding on the public agency or official. The ombudsman shall
18 maintain the confidentiality of records and information provided to the ombudsman by a
19 public agency or official under this subsection and shall return the records to the public
20 agency or official when the ombudsman's review is complete.'

21 Amend the bill in section 1 in §200-I in subsection 5 in the first line (page 1, line 34
22 in L.D.) by striking out the following: "Beginning in 2008, the" and inserting the
23 following: 'The'

24 Amend the bill in section 1 in §200-I by inserting at the end the following:

25 '6. Repeal. This section is repealed June 30, 2009.'

26 Amend the bill by striking out all of section 2 and inserting the following:

27 'Sec. 2. Pilot project. Notwithstanding the Maine Revised Statutes, Title 5,
28 section 200-I, subsection 1, the Department of the Attorney General may establish the
29 Public Access Division and appoint the Public Access Ombudsman as a pilot project if
30 funding is available.

31 Sec. 3. Appropriations and allocations. The following appropriations and
32 allocations are made.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 1361, L.D. 1923

1 **ATTORNEY GENERAL, DEPARTMENT OF THE**
2 **Administration - Attorney General 0310**

3 Initiative: Allocates funds for a part-time Assistant Attorney General position and general
4 operating expenses required to carry out the purposes of this Act.

| 5 | FEDERAL EXPENDITURES FUND | 2007-08 | 2008-09 |
|----|--|----------------|-----------------|
| 6 | POSITIONS - LEGISLATIVE COUNT | 0.000 | 0.500 |
| 7 | Personal Services | \$0 | \$39,458 |
| 8 | All Other | \$0 | \$1,718 |
| 9 | | | |
| 10 | FEDERAL EXPENDITURES FUND TOTAL | \$0 | \$41,176 |
| 11 | | | |

12 **SUMMARY**

13 This amendment:

14 1. Revises the establishment of the Public Access Division within the Department of
15 the Attorney General and the appointment of the Public Access Ombudsman. It
16 authorizes the Attorney General to establish the Public Access Division and appoint the
17 Public Access Ombudsman as a pilot project if funding is available;

18 2. Clarifies that the Public Access Ombudsman makes nonbinding recommendations
19 concerning the release of records to the public and clarifies the manner in which those
20 records must be handled;

21 3. Deletes the requirement that the Public Access Ombudsman make an annual
22 report in 2008; and

23 4. Repeals the provisions establishing the Public Access Division and the Public
24 Access Ombudsman June 30, 2009.

25 **FISCAL NOTE REQUIRED**
26 **(See attached)**



Approved: 03/31/08 *MRC*

123rd MAINE LEGISLATURE

LD 1923

LR 2685(05)

An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman

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

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

| | 2007-08 | 2008-09 | Projections 2009-10 | Projections 2010-11 |
|-----------------------------------|---------|----------|------------------------|------------------------|
| Appropriations/Allocations | | | | |
| Federal Expenditures Fund | \$0 | \$41,176 | \$0 | \$0 |

Fiscal Detail and Notes

This bill includes a federal allocation to the Department of the Attorney General of \$41,176 in fiscal year 2008-09 for a part-time Assistant Attorney General limited period position and general operating expenses to carry out the purposes of this act.