

MAINE STATE LEGISLATURE

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Date: 5/14/9

(Filing No. H-292)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 454, L.D. 640, Bill, "An Act To Ensure Public Access to Records Relating to Public Contracts for Personal Services"

Amend the bill in section 1 by striking out all of subsection 4 (page 1, lines 3 to 7 in L.D.) and inserting the following:

4. Access to public records. As a condition of accepting a contract for services under this section, a contractor must agree to treat all records, other than proprietary information, relating to personal services work performed under the contract as public records under the freedom of access laws to the same extent as if the work were performed directly by the department or agency. For the purposes of this subsection, "proprietary information" means information that is a trade secret or commercial or financial information, the disclosure of which would impair the competitive position of the contractor and would make available information not otherwise publicly available. Information relating to wages and benefits of the employees performing the personal services work under the contract and information concerning employee and contract oversight and accountability procedures and systems are not proprietary information. This subsection applies to contracts, contract extensions and contract amendments executed on or after October 1, 2009.

SUMMARY

This amendment clarifies that proprietary information of the contractor is not public. "Proprietary information" is defined as information that is a trade secret or commercial or financial information, the disclosure of which would impair the competitive position of the contractor and would make available information not otherwise publicly available. This amendment, however, provides that information relating to wages and benefits of the employees performing the personal services work under the contract and information concerning employee and contract oversight and accountability procedures and systems are not considered proprietary information and must be treated as a public record.

The public access provision applies to contracts, contract extensions and contract amendments executed on or after October 1, 2009.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



124th MAINE LEGISLATURE

LD 640

LR 1389(02)

An Act To Ensure Public Access to Records Relating to Public Contracts for Personal Services

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

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the Department of Administrative and Financial Services as a result of requiring contractors to treat all records relating to personal services work, other than proprietary information, as public records under the freedom of access laws can be absorbed utilizing existing budgeted resources.