

MAINE STATE LEGISLATURE

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SMG
R. & S.

Date: 2/17/10

STATE AND LOCAL GOVERNMENT

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

COMMITTEE AMENDMENT "A" to H.P. 1219, L.D. 1718, Bill, "An Act To Amend the Laws Relating to Government Records"

Amend the bill by inserting after section 1 the following:

Sec. 2. 5 MRSA §95, sub-§12, as amended by PL 1991, c. 837, Pt. A, §9, is further amended to read:

12. Copies. To furnish copies of archival material upon the request of any person, on payment in advance of such fees as may be required. Copies of state records transferred pursuant to law from the office of their origin to the custody of the State Archivist, when certified by the State Archivist, under the seal of that office, have the same legal force and effect as if certified by their original custodian. A facsimile of the signature of the State Archivist imprinted by or at the direction of the State Archivist upon any certificate issued by the State Archivist has the same validity as the written signature of the State Archivist; and

Sec. 3. 5 MRSA §95, sub-§13, as amended by PL 1991, c. 837, Pt. A, §9, is further amended to read:

13. Photoreproduction and restoration. To provide centralized photoreproduction and records preservation services for government agencies to the extent the State Archivist determines advisable in the administration of the state program and facilities. Such services must be furnished to such agencies at cost.

Fees collected under this subsection must be deposited in the General Fund; and

Sec. 4. 5 MRSA §95, sub-§14 is enacted to read:

14. Records explanation available. To prepare a detailed explanation of what constitutes a "record" pursuant to section 92-A, subsection 5 and "records belonging to the State or to a local government or any agency of the State" pursuant to section 95-A, subsection 1. The State Archivist shall include in the explanation practical examples of such records in plain language. Upon request, the State Archivist shall provide the

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1 explanation to interested parties at no cost to the requestor and shall post the explanation
2 on a publicly accessible website.'

3 Amend the bill by striking out all of sections 3 to 6.

4 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
5 section number to read consecutively.

6 **SUMMARY**

7 This amendment removes all sections of the bill related to licensed auctioneers
8 notifying the State Archivist if they are in possession of records belonging to the State. It
9 requires the State Archivist to prepare a detailed explanation of what constitutes a
10 "record" and "records belonging to the State or to a local government or any agency of
11 the State" and requires the explanation to be posted on a publicly accessible website and
12 made available to interested parties upon request.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 02/11/10 *MAC*

124th MAINE LEGISLATURE

LD 1718

LR 2452(02)

An Act To Amend the Laws Relating to Government Records

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: State and Local Government

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of the Secretary of State can be absorbed within existing budgeted resources.