

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1805

H.P. 1331

House of Representatives, February 2, 2012

**An Act To Implement Recommendations of the Right To Know
Advisory Committee Concerning a Public Records Exception for
Proposed Legislation, Reports and Working Papers of the Governor**

Reported by Representative NASS of Acton for the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

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

2 **Sec. 1. 1 MRSA §402, sub-§3, ¶C-2** is enacted to read:

3 C-2. Proposed legislation and reports until publicly distributed and records, working
4 papers, drafts and interoffice and intraoffice memoranda used or maintained by the
5 Governor or any employee of the Governor's office to prepare proposed legislation or
6 reports for consideration by the Legislature or any of its committees during the
7 legislative session or sessions in which the proposed legislation or reports are
8 prepared or considered or to which the proposed legislation or reports are carried
9 over;

10 **SUMMARY**

11 This bill is reported out by the Joint Standing Committee on Judiciary pursuant to the
12 Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G. This bill
13 incorporates recommendations of the majority of the Right To Know Advisory
14 Committee.

15 The Joint Standing Committee on Judiciary has not taken a position on the substance
16 of the recommendations or the bill, and by reporting out this bill the committee is not
17 suggesting and does not intend to suggest that it agrees or disagrees with any aspect of the
18 Right To Know Advisory Committee's recommendations or this bill. The Joint Standing
19 Committee on Judiciary is reporting the bill out for the sole purpose of turning the Right
20 To Know Advisory Committee's majority proposal into a printed bill that can be referred
21 to the Joint Standing Committee on Judiciary for an appropriate public hearing and
22 subsequent processing in the normal course. The Joint Standing Committee on Judiciary
23 is taking this action to ensure clarity and transparency in the legislative review of the
24 study committee's majority proposal.

25 This bill creates a public records exception for proposed legislation, reports and
26 working papers of the Governor and the Governor's office that is parallel to the
27 Legislature's public records exception in existing law. The proposed legislation, reports
28 and working papers do not become public records until they are publicly distributed or
29 until the adjournment of the legislative session for which the proposed legislation, reports
30 and working papers are prepared.