

# MAINE STATE LEGISLATURE

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Date: 6/6/13

L.D. 1216  
(Filing No. H-389)

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JUDICIARY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 861, L.D. 1216, Bill, "An Act To Amend the Freedom of Access Act"

Amend the bill by striking out all of section 1 (page 1, lines 2 to 13 in L.D.) and inserting the following:

'Sec. 1. 1 MRSA §408-A, sub-§3, as enacted by PL 2011, c. 662, §5, is amended to read:

3. **Acknowledgment; clarification; time estimate; cost estimate.** The agency or official having custody or control of a public record shall acknowledge receipt of a request made according to this section within ~~a reasonable period of time~~, 5 working days of receiving the request and may request clarification concerning which public record or public records are being requested. ~~The~~ Within a reasonable time of receiving the request, the agency or official shall provide a good faith, nonbinding estimate of the time within which the agency or official will comply with the request, as well as a cost estimate as provided in subsection 9. The agency or official shall make a good faith effort to fully respond to the request within the estimated time.'

Amend the bill in section 2 in subsection 4 in the 4th line (page 1, line 19 in L.D.) by striking out the following: "~~working calendar~~" and inserting the following: 'working'

Amend the bill by striking out all of section 3 (page 1, lines 22 to 29 in L.D.)

Amend the bill by striking out all of section 5 (page 2, lines 1 to 10 in L.D.)

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

SUMMARY

This amendment requires an agency or official to acknowledge a request to inspect or copy public records within 5 working days of receiving the request. Within a reasonable time of receiving the request, the agency or official must give a good faith, nonbinding

COMMITTEE AMENDMENT

1 estimate of the time to comply with the request and must also provide the cost estimate as  
2 required in current law.

3 This amendment deletes the proposed requirement that the agency or official  
4 responding to a request explain costs and the statutes requiring redaction. It also deletes  
5 the changes to attorney's fees.

FISCAL NOTE REQUIRED  
(See attached)



# 126th MAINE LEGISLATURE

LD 1216

LR 1297(02)

An Act To Amend the Freedom of Access Act

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-389)

Committee: Judiciary

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund  
Minor cost increase - Highway Fund  
Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Any additional costs related to this bill incurred by state agencies receiving Freedom of Access Act requests for public records can be absorbed within existing budgeted resources.