

MAINE STATE LEGISLATURE

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Date: 4/4/14

L.D. 1821
(Filing No. H-811)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1311, L.D. 1821, Bill, "An Act To Implement Recommendations of the Right To Know Advisory Committee"

Amend the bill in Part A in section 3 in the first paragraph in the 5th line (page 1, line 31 in L.D.) by striking out the following: "15" and inserting the following: '45 30'

Amend the bill in Part D in section 1 in §408-A by striking out all of subsection 4 (page 6, lines 12 to 18 in L.D.) and inserting the following:

4. Refusals; denials. If a body ~~or an~~, agency or official having custody or control of any public record refuses permission to inspect or copy ~~or abstract~~ a public record, the body ~~or~~, agency or official shall provide written notice of the denial, stating the reason for the denial, within 5 working days of the receipt of the request for inspection or copying. Failure to comply with this subsection is considered failure to allow inspection or copying and is subject to appeal as provided in section 409.'

Amend the bill in Part D in section 2 by striking out all of subsection 1 (page 8, lines 1 to 13 in L.D.) and inserting the following:

1. Records. Any person aggrieved by a refusal or denial to inspect or copy a record or the failure to allow the inspection or copying of a record under section 408-A may appeal the refusal, denial or failure within 30 calendar days of the receipt of the written notice of refusal, denial or failure to any the Superior Court within the State as a trial de novo for the county in which the person resides or in which the body, agency or official maintains an office to which the person made the request. The body, agency or official shall file an answer within 14 calendar days of service of the appeal. If a court, after a trial de novo review and taking testimony and other evidence it determines necessary, determines such refusal, denial or failure was not for just and proper cause, the court shall enter an order for disclosure. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.'

COMMITTEE AMENDMENT

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SUMMARY

This amendment provides that the reports of the State Board of Arbitration and Conciliation in a labor dispute must be released 30 days after its receipt by the Governor and the Executive Director of the Maine Labor Relations Board if the conciliation process is not successful.

This amendment deletes changes proposed in the bill to identify when access to a record is denied and when an appeal of that denial may be made.