

MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (H-825) (LD 2102 2020)

Date: 8/12/2020

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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1497, L.D. 2102, Bill, “An Act To Implement the Recommendations of the Right To Know Advisory Committee”

Amend the bill by striking out all of sections 1 to 3 (page 1, lines 2 to 16 in L.D.) and inserting the following:

'Sec. 1. 1 MRSA §411, sub-§2, as amended by PL 2015, c. 250, Pt. A, §§1 and 2, is further amended to read:

- 2. Membership.** The advisory committee consists of the following members:
 - A. One Senator who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the President of the Senate;
 - B. One member of the House of Representatives who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the Speaker of the House;
 - C. One representative of municipal interests, appointed by the Governor;
 - D. One representative of county or regional interests, appointed by the President of the Senate;
 - E. One representative of school interests, appointed by the Governor;
 - F. One representative of law enforcement interests, appointed by the President of the Senate;
 - G. One representative of the interests of State Government, appointed by the Governor;
 - H. One representative of a statewide coalition of advocates of freedom of access, appointed by the Speaker of the House;
 - I. One representative of newspaper and other press interests, appointed by the President of the Senate;

COMMITTEE AMENDMENT

1 J. One representative of newspaper publishers, appointed by the Speaker of the
2 House;

3 K. Two representatives of broadcasting interests, one appointed by the President of
4 the Senate and one appointed by the Speaker of the House;

5 L. Two representatives of the public, one appointed by the President of the Senate
6 and one appointed by the Speaker of the House;

7 M. The Attorney General or the Attorney General's designee; ~~and~~

8 N. One member with broad experience in and understanding of issues and costs in
9 multiple areas of information technology, including practical applications concerning
10 creation, storage, retrieval and accessibility of electronic records; use of
11 communication technologies to support meetings, including teleconferencing and
12 Internet-based conferencing; databases for records management and reporting; and
13 information technology system development and support, appointed by the
14 Governor; and

15 O. One representative having legal or professional expertise in the field of data and
16 personal privacy, appointed by the Governor.

17 The advisory committee shall invite the Chief Justice of the Supreme Judicial Court to
18 designate a member of the judicial branch to serve as a member of the committee.

19 In making appointments to the advisory committee, the appointing authorities shall take
20 into consideration the racial and ethnic diversity of the State.'

21 Amend the bill by adding after section 6 the following:

22 'Sec. 7. **Appropriations and allocations.** The following appropriations and
23 allocations are made.

24 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

25 **Freedom of Access Training N346**

26 Initiative: Provides funding to reimburse municipalities for costs associated with
27 requiring certain municipal officials to complete freedom of access training.

| | | | |
|----|---------------------|----------------|----------------|
| 28 | GENERAL FUND | 2019-20 | 2020-21 |
| 29 | All Other | \$0 | \$33,300 |
| 30 | | | |
| 31 | GENERAL FUND TOTAL | \$0 | \$33,300 |

32
33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
34 section number to read consecutively.

35 **SUMMARY**

36 This amendment is the majority report of the Joint Standing Committee on Judiciary.

1 This amendment explicitly requires that the appointments to the Right to Know
2 Advisory Committee must take into consideration the racial and ethnic diversity of the
3 State.

4 This amendment includes an appropriation to provide funds to reimburse
5 municipalities for the costs required for additional municipal officials to meet the
6 freedom of access training requirements.

7
8

FISCAL NOTE REQUIRED

(See attached)



129th MAINE LEGISLATURE

LD 2102

LR 3194(02)

An Act To Implement the Recommendations of the Right To Know Advisory Committee

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

State Mandate - Funded

| | FY 2019-20 | FY 2020-21 | Projections FY 2021-22 | Projections FY 2022-23 |
|-----------------------------------|------------|------------|---------------------------|---------------------------|
| Net Cost (Savings) | | | | |
| General Fund | \$0 | \$33,300 | \$3,600 | \$3,600 |
| Appropriations/Allocations | | | | |
| General Fund | \$0 | \$33,300 | \$3,600 | \$3,600 |

State Mandates

Required Activity

This bill expands the number of municipal officials required to complete freedom of access training to include code enforcement officers, town and city managers, administrators and planning board members. It requires deputies of various officials complete the training. School superintendents, assistant superintendents and school board members are also required to complete the training.

Unit Affected

Municipality

Local Cost

\$33,300 one-time, \$3,600 annually

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

The bill includes a General Fund appropriation of \$33,300 in fiscal year 2020-21 to the Department of Administrative and Financial Services to reimburse municipalities for 90% of the administrative costs associated with implementing the bill. The cost was calculated using salary and position data provided by the Maine Municipal Association. Projected future costs assume annual employee turnover of 11.8%, resulting in new employees each year who will need training.