

MAINE STATE LEGISLATURE

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Date 5/22/23 Minority

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H P 285, L D 468, "An Act Regarding Regional Law Libraries"

Amend the bill by striking out all of section 3 and inserting the following

'Sec. 3. 4 MRSA §193-A is enacted to read

§193-A. Regional law libraries

The Administrative Office of the Courts shall allocate and disburse to a law library located in a courthouse in Portland and to a law library located in a courthouse in Bangor funds, in an amount determined by the State Court Administrator, that the law libraries may use for operating expenses, including but not limited to the expenses of legal resources, library equipment and supplies, and to fund all or a portion of the costs of any necessary personnel. Both law libraries must receive the same amount of funds, which may be disbursed biannually or more often, as the Administrative Office of the Courts determines.

The law libraries in Portland and Bangor must make their resources available to the public in accordance with the libraries' local operating policies established under section 196.

If a law library is no longer in operation, the State Court Administrator may, after providing notice and an opportunity to be heard, withhold the funds that the law library would have otherwise received. A decision to withhold funds from one law library in accordance with this section does not affect the other law library's receipt of funds under this section.'

Amend the bill by striking out all of section 5 and inserting the following

'Sec. 5. 4 MRSA §196, as amended by PL 2013, c 533, §5, is further amended to read

§196. Duties, county committee Boards of directors

The County Law Library Committee A board of directors of each law library that receives funds pursuant to section 193-A shall establish local operating policies, such as,

COMMITTEE AMENDMENT "A" to H P 285, L D 468

1 but not limited to, public hours, circulation policies and photocopy privileges patron
 2 conduct, fees and computer use policies Each county committee shall exercise supervision
 3 board has sole discretion over the expenditures of private and nonstate funds, ~~including~~
 4 ~~endowments, and may use those funds to upgrade its county law library~~ Each county
 5 ~~committee shall determine space requirements~~

6 The board of directors of a county bar association may serve as the board of directors
 7 of a law library if the law library has no dedicated board of directors '

8 Amend the bill by striking out all of section 6 and inserting the following

9 'Sec. 6. 4 MRSA §197, as amended by PL 2013, c 533, §6, is further amended to
 10 read

11 **§197. Duties of treasurer and ~~clerk~~ secretary**

12 The treasurer of each ~~County Law Library Committee~~ law library that receives funds
 13 pursuant to section 193-A, under the direction of the ~~County Law Library Committee~~ law
 14 library's board of directors under section 196, shall apply all ~~private and nonstate moneys~~
 15 state funds received, ~~and all bequests and gifts, to form and operate a~~ for the operation of
 16 the law library The ~~clerk~~ secretary of the law library shall keep an exact record of all the
 17 ~~proceedings of the committee~~ board of directors according to the law library's bylaws

18 The treasurer shall, annually, before the last Wednesday in July, deposit in the office
 19 of the State Court Administrator a statement of the funds received and expended by the
 20 ~~treasurer~~ law library during the preceding fiscal year '

21 Amend the bill in section 7 in paragraph A in the first line (page 2, line 7 in L D) by
 22 striking out the following "room" and inserting the following 'room space'

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

25 **SUMMARY**

26 This amendment, which is the minority report of the committee

27 1 Clarifies that the law libraries in Portland and Bangor must be located in a
 28 courthouse,

29 2 Clarifies that the resources of the law libraries must be made available to the public
 30 in accordance with the libraries' operating policies,

31 3 Requires the State Court Administrator to provide notice and an opportunity to be
 32 heard before withholding funds from a law library that the State Court Administrator
 33 believes is no longer in operation, and

34 4 Requires the treasurer of the board of directors of each law library to apply all state
 35 funds to the operation of the law library and gives the board sole discretion over the
 36 expenditure of private and nonstate funds