

# MAINE STATE LEGISLATURE

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L.D. 2192

Date: 2/5/24

(Filing No. H-740)

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1405, L.D. 2192, "Resolve, to Ensure That the Independent Commission to Investigate the Facts of the Tragedy in Lewiston Has Necessary Authority to Discharge Its Fact-finding Mission"

Amend the resolve in section 5 in the last line (page 2, line 2 in L.D.) by inserting after the following: "session." the following: "Testimony may be taken in executive session upon a showing that confidentiality is necessary to fulfill the independent commission's fact-finding mission."

Amend the resolve in section 7 in the last line (page 2, line 15 in L.D.) by inserting after the following: "members." the following: "The transcript of the testimony may be released over the objection of a witness upon a showing that the release of the transcript is necessary to the independent commission's fact-finding mission, outweighs the interests of the witness and is not in violation of any federal or state laws, rules or regulations."

Amend the resolve by inserting after section 8 the following:

**'Sec. 9. Compliance with state law and the Maine Rules of Civil Procedure. Resolved:** That any time the independent commission exercises its authority to issue a subpoena under this resolve, the independent commission shall comply with state law and the Maine Rules of Civil Procedure.'

Amend the resolve by inserting after section 10 the following:

**'Sec. 11. Cooperation with State Archivist. Resolved:** That the independent commission shall cooperate with the State Archivist to ensure that records of the independent commission are maintained in compliance with federal and state laws, rules and regulations.

**Sec. 12. Report on use of subpoena issuance. Resolved:** That the independent commission, in completing a final report of its work, shall include a detailed account of each subpoena issued.

**COMMITTEE AMENDMENT**

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**Sec. 13. Establishment of precedent. Resolved:** That nothing in this resolve may be used to establish a precedent authorizing independent commissions to issue subpoenas in the future.

**Sec. 14. Sunset. Resolved:** That the independent commission's authority to issue subpoenas under this resolve is effective until July 1, 2024. Any subpoena issued by the independent commission before July 1, 2024 remains valid after that date.'

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

**SUMMARY**

This amendment adds language providing clarity that the Independent Commission to Investigate the Facts of the Tragedy in Lewiston, in exercising its subpoena power, does so in compliance with federal and state laws, rules and regulations and the Maine Rules of Civil Procedure. The amendment also adds language clarifying that testimony may be taken in executive session upon a showing that confidentiality is necessary to the independent commission's mission. The amendment adds a standard by which the independent commission weighs whether to release testimony over the witness's objection. The amendment requires the independent commission's cooperation with the State Archivist on record maintenance, requires a report on use of subpoena power and establishes a sunset of the independent commission's subpoena power on July 1, 2024. The amendment clarifies that nothing in the resolve establishes a precedent authorizing independent commissions to issue subpoenas in the future.

**FISCAL NOTE REQUIRED**  
(See attached)



# 131st MAINE LEGISLATURE

LD 2192

LR 3042(03)

**Resolve, to Ensure That the Independent Commission to Investigate the Facts of the Tragedy in Lewiston Has Necessary Authority to Discharge Its Fact-finding Mission**

**Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-740)**

**Committee: Judiciary**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system.

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional filing fees will increase General Fund revenue by minor amounts.