

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

**Sec. 2. Report. Resolved:** That, by January 15, 2004, the Commissioner of Inland Fisheries and Wildlife shall report to the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Natural Resources on the progress of the mapping of high and moderate value waterfowl and wading bird habitats. The report must contain a schedule for the mapping and a projected cost to map all high and moderate value waterfowl and wading bird habitats.

See title page for effective date.

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## CHAPTER 83

### H.P. 797 - L.D. 1079

#### **Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws**

**Sec. 1. Committee established. Resolved:** That the Committee to Study Compliance with Maine's Freedom of Access Laws, referred to in this resolve as "the committee," is established; and be it further

**Sec. 2. Committee membership. Resolved:** That the committee consists of 16 members appointed as follows:

1. One member of the Senate, appointed by the President of the Senate;
2. One member of the House of Representatives, appointed by the Speaker of the House;
3. One member representing the Maine Press Association, appointed by the President of the Senate;
4. One member representing the Maine Daily Newspapers Publishers Association, appointed by the Speaker of the House;
5. One member representing the Maine Municipal Association, appointed by the Governor;
6. One member representing the Maine Chiefs of Police Association, appointed by the Governor;
7. One member representing the Maine School Management Association, appointed by the Governor;
8. The Attorney General, or the Attorney General's designee;
9. One member representing the Maine Association of Broadcasters, appointed by the President of the Senate;

10. One member representing the Maine Freedom of Information Coalition, appointed by the Speaker of the House;

11. The Commissioner of Public Safety, or the commissioner's designee;

12. One member representing county commissioners, appointed by the President of the Senate;

13. One member representing the Maine Sheriffs' Association, appointed by the President of the Senate;

14. One member representing persons whose privacy interests are protected by the freedom of access laws, appointed by the President of the Senate;

15. One member of the public, appointed by the President of the Senate; and

16. One member of the public, appointed by the Speaker of the House; and be it further

**Sec. 3. Appointments; cochairs. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The legislative members named to the committee shall serve as cochairs. When the appointment of all members is completed, the cochairs of the committee shall call and convene the first meeting of the committee no later than 15 days after the last member is appointed; and be it further

**Sec. 4. Committee duties. Resolved:** That the committee shall meet not more than 4 times to study state and local governmental compliance with Maine's freedom of access laws and other issues relating to citizens' access to public records and public proceedings. In examining these issues, the committee shall:

1. Review and analyze the Report on Public Records Audit, prepared by the Maine Freedom of Information Coalition in November 2002, and the recommendations made in the report;
2. Study what measures, if any, state and local governmental entities in Maine and in other states have taken to ensure their employees are knowledgeable about and comply with Maine's freedom of access laws or other comparable state laws;
3. Investigate and recommend ways in which governmental compliance with Maine's freedom of access laws may be meaningfully improved and calculate what, if any, costs may be associated with making such improvements;

4. Undertake a comprehensive inventory and review of the various exceptions to public access to records and proceedings found within the freedom of access laws and identify possible changes to these exceptions in order to streamline Maine law and thereby make it more easily understood and complied with by governmental employees;

5. Reconsider whether the need for any of the statutory exceptions, as currently worded, is outweighed by the State's general interest in ensuring citizens' access to public records and proceedings; and

6. Study whether and to what extent the freedom of access laws may be used as a harassment tool against local governmental entities and what remedies may be available and appropriate to deter any such harassment; and be it further

**Sec. 5. Staff assistance. Resolved:** That upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee; and be it further

**Sec. 6. Reimbursement. Resolved:** That legislative members of the committee are entitled to receive legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the committee; and be it further

**Sec. 7. Funding. Resolved:** That the committee may seek outside funds to advance its work. Prompt notice of solicitation of funds must be sent to the Legislative Council. Contributions to support the work of the committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. Such certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose and any limitation on the use of the funds. The Executive Director of the Legislative Council administers any funds received; and be it further

**Sec. 8. Committee budget. Resolved:** That the cochairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget; and be it further

**Sec. 9. Report. Resolved:** That the committee shall submit a report that includes its findings and recommendations including suggested legislation for presentation to the Joint Standing Committee on Judiciary and the Legislative Council by December 3, 2003. Following receipt and review of the report, the Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 121st Legislature to implement the committee's recommendations. If the committee requires a limited extension of time to conclude its study and to make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 10. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

LEGISLATURE

**Committee to Study Compliance with Maine's Freedom of Access Laws**

Initiative: Provides a base allocation of Other Special Revenue funds to authorize expenditures from this dedicated account.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$500	\$0
Other Special Revenue Funds Total	\$500	\$0

See title page for effective date.

**CHAPTER 84**

**S.P. 193 - L.D. 553**

**Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents**

**Sec. 1. Task force established. Resolved:** That the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of 18 members appointed as follows: