

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 1 in §200-I by striking out all of subsection 4 (page 1, lines 28 to 33 in L.D.) and inserting the following:

‘4. Confidentiality. The ombudsman may access records that a public agency or official believes are confidential in order to make a recommendation concerning whether the public agency or official may release the records to the public. The ombudsman's recommendation is not binding on the public agency or official. The ombudsman shall maintain the confidentiality of records and information provided to the ombudsman by a public agency or official under this subsection and shall return the records to the public agency or official when the ombudsman's review is complete.’

Amend the bill in section 1 in §200-I in subsection 5 in the first line (page 1, line 34 in L.D.) by striking out the following: "Beginning in 2008, the" and inserting the following: "The'

Amend the bill in section 1 in §200-I by inserting at the end the following:

‘6. Repeal. This section is repealed June 30, 2009.’

Amend the bill by striking out all of section 2 and inserting the following:

‘Sec. 2. Pilot project. Notwithstanding the Maine Revised Statutes, Title 5, section 200-I, subsection 1, the Department of the Attorney General may establish the Public Access Division and appoint the Public Access Ombudsman as a pilot project if funding is available.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: Allocates funds for a part-time Assistant Attorney General position and general operating expenses required to carry out the purposes of this Act.

FEDERAL EXPENDITURES FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	0.500
Personal Services	\$0	\$39,458
All Other	\$0	\$1,718
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FEDERAL EXPENDITURES FUND TOTAL	\$0	\$41,176

SUMMARY

This amendment:

1. Revises the establishment of the Public Access Division within the Department of the Attorney General and the appointment of the Public Access Ombudsman. It authorizes the Attorney General to establish the Public Access Division and appoint the Public Access Ombudsman as a pilot project if funding is available;
2. Clarifies that the Public Access Ombudsman makes nonbinding recommendations concerning the release of records to the public and clarifies the manner in which those records must be handled;
3. Deletes the requirement that the Public Access Ombudsman make an annual report in 2008; and
4. Repeals the provisions establishing the Public Access Division and the Public Access Ombudsman June 30, 2009.

FISCAL NOTE REQUIRED

(See attached)