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STATE OF MAINE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

COMMITTEE ON JUDICIARY

April 2, 2012

To: Senator Richard W. Rosen, Senate Chair
Representative Patrick S. A. Flood, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

From: Senator David R. Hastings III, Senate Chair
Representative Joan M. Nass, House Chair
Joint Standing Committee on Judiciary

Re: Judiciary Committee priority list for items on Appropriations Table

The Judiciary Committee has voted on three bills that may end up on the Special Appropriations Table: LD 1465, An Act To Amend the Laws Governing Freedom of Access; A minority report on LD 1805, An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning a Public Records Exception for Proposed Legislation, Reports and Working Papers of the Governor (there is no fiscal impact association with the majority OTPA report; the other minority report is ONTP); and LD 1810, An Act To Implement Recommendations of the Committee To Review Issues Dealing with Regulatory Takings. This memo provides our priorities for final passage of two of these bills; we do not have the fiscal impact for the majority and minority reports on LD 1810, and we hope to supplement this report to you in the next day or two when we do receive that information. The Judiciary Committee met this afternoon and all were present except Rep. Rochelo, Rep. Sarty and Rep. Waterhouse.

LD 1465

LD 1465, An Act To Amend the Laws Governing Freedom of Access, is supported by the majority of the Committee (one person voted ONTP). The bill includes funding for the full-time Public Access Ombudsman in the Department of the Attorney General, and the Committee Amendment limits it to funding for FY13. LD 1903, the second supplemental budget, contains funding for a half-time Public Access Ombudsman. Although we believe a full-time Ombudsman would be appropriate, we understand the current fiscal limitations. We appreciate the Governor's recognition of the need for the Public Access Ombudsman and we support the one-half position included in LD 1903.

Although LD 1465 is at the top of our list, we find it difficult to put this position ahead of the significant need of the Maine Commission on Indigent Legal Services and court security for the Judicial Branch if there are insufficient funds to cover everything.

LD 1805

The majority report on LD 1805, An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning a Public Records Exception for Proposed Legislation, Reports and Working Papers of the Governor, has no fiscal impact (eight members). Four members voted ONTP. Senator Dill supports her own OPA report which repeals the Legislature's working papers public records exception. It is Senator Dill's report that includes an appropriation section and fiscal note. Of the two bills, LD 1805 is of lower priority.

LD 1810

LD 1810, An Act To Implement Recommendations of the Committee To Review Issues Dealing with Regulatory Takings, is divided with eight members voting OPA and five members supporting a different OPA. Although some preliminary fiscal information has been released, the Judiciary Committee is awaiting the final fiscal analysis. We prefer to wait until that information is final before we include LD 1810 in this priorities list.

We plan on updating you with any changes to this list of priorities as soon as we have final information about LD 1810.

Thank you.