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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 1331, L.D. 1805, Bill, "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"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 1 MRSA §402, sub-§1-B is enacted to read:

1-B. Internal staff of the Governor. "Internal staff of the Governor" means the Governor's chief of staff, legal counsel, director of policy and employees under their direct supervision. "Internal staff of the Governor" does not include any other person employed in any other executive agency, including those designated by state law as housed in or transferred to the Office of the Governor. This subsection is repealed December 31, 2013.

Sec. 2. 1 MRSA §402, sub-§3, ¶C-2 is enacted to read:

C-2. Records relating to the deliberative process of the Governor, until:

- (1) The records are made available to any person or agency outside the internal staff of the Governor;
(2) The records are publicly distributed in accordance with legislative rules;
(3) Adjournment of the session of the Legislature for which the records were prepared occurs; or
(4) Six months from the creation of the records has passed.

This paragraph is repealed December 31, 2013;

Sec. 3. 1 MRSA §402, sub-§5 is enacted to read:

5. Records relating to the deliberative process of the Governor. "Records relating to the deliberative process of the Governor" means all records containing

COMMITTEE AMENDMENT

1 predecisional advice, opinions, deliberations or recommendations created by the  
2 Governor or the internal staff of the Governor, maintained within the exclusive custody  
3 and control of the Governor or the internal staff of the Governor and in which the subject  
4 matter of the decision or policy under consideration requires legislative action or records  
5 concerning budgeting proposals or requests. This subsection is repealed December 31,  
6 2013.'

## 7 **SUMMARY**

8 This amendment is the majority report of the Joint Standing Committee on Judiciary.  
9 It replaces the bill. It provides a temporary public records exception for records relating  
10 to the deliberative process of the Governor for legislative proposals and budgeting  
11 proposals and requests.

12 "Records relating to the deliberative process of the Governor" is defined to mean all  
13 records containing predecisional advice, opinions, deliberations or recommendations  
14 created by the Governor or the internal staff of the Governor and maintained within the  
15 exclusive custody and control of the Governor or the internal staff of the Governor. The  
16 internal staff of the Governor consists of the chief of staff, legal counsel, director of  
17 policy and employees under their direct supervision. The records become public when  
18 the first of the following occurs:

- 19 1. The records are made available to any person or agency outside the internal staff  
20 of the Governor;
- 21 2. The records are publicly distributed in accordance with legislative rules;
- 22 3. Adjournment of the Legislature for which the records were prepared occurs; or
- 23 4. Six months from the creation of the records has passed.

24 This amendment provides that the public records exception for the records relating to  
25 the deliberative process of the Governor is repealed December 31, 2013.