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Date: (Filing No. H-)

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 66, L.D. 101, “An Act Regarding Public Records and Fees for Requesting Public Records from the Department of Inland Fisheries and Wildlife”

Amend the bill by striking out the title and substituting the following:

'Resolve, to Convene a Working Group to Examine the Classification of and Access to Public Records Maintained by Certain State Agencies'

Amend the bill by striking out everything after the title and inserting the following:

'Sec. 1. Definitions. Resolved: That, as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. "Department" means the Department of Inland Fisheries and Wildlife.

2. "Right to Know Advisory Committee" means the Right to Know Advisory Committee established under the Maine Revised Statutes, Title 1, section 411.

Sec. 2. Working group established. Resolved: That the department, in consultation with the Right to Know Advisory Committee, shall convene a working group to examine the classification and accessibility of public records maintained by the state agencies identified in section 3 and the associated fees that may be charged for those public records, referred to in this resolve as "the working group." The department shall provide administrative support to the working group as needed.

Sec. 3. Working group members. Resolved: That the working group consists of the following members:

1. One member from the department, appointed by the Commissioner of Inland Fisheries and Wildlife, who serves as chair;

2. Two members from the Right to Know Advisory Committee who are not Legislators, one of whom must be the member appointed to represent law enforcement interests pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 2, paragraph F, appointed by the chair of the Right to Know Advisory Committee;

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1 3. One member from the office of the Secretary of State, appointed by the Secretary of
2 State;

3 4. One member from the Department of Marine Resources, appointed by the
4 Commissioner of Marine Resources; and

5 5. One member from the Department of Public Safety, appointed by the Commissioner
6 of Public Safety.

7 The chair of the working group may appoint additional members as determined
8 necessary by a majority of the working group's members. The working group shall consult
9 with a representative from the Office of the Attorney General, designated by the Attorney
10 General, to assist the working group in its deliberations as needed.

11 **Sec. 4. Selection of members. Resolved:** That, no later than 30 days following
12 the effective date of this resolve, the Right to Know Advisory Committee and the state
13 agencies identified in section 3 shall notify the department of the member or members
14 selected for participation in the working group.

15 **Sec. 5. Duties. Resolved:** That the working group shall:

16 1. Determine the classification and accessibility of public records by:

17 A. Reviewing the current provisions of the Freedom of Access Act;

18 B. Determining which records in the possession of the state agencies identified in
19 section 3 are subject to disclosure under the Freedom of Access Act and which records
20 are not; and

21 C. Identifying categories of information that the state agencies identified in section 3
22 should have the ability to designate as confidential and not subject to public disclosure;

23 2. Evaluate fees for public records requests by:

24 A. Examining and recommending appropriate fees for processing large-scale requests
25 for public records; and

26 B. Considering a reasonable cost structure that balances public access with
27 administrative burdens; and

28 3. Consider additional areas for review by identifying any other issues related to public
29 records management, retention and disclosure as appropriate.

30 **Sec. 6. Report. Resolved:** That, no later than January 14, 2026, the working group
31 shall submit a report that includes the working group's findings and recommendations,
32 including suggested legislation, to the Joint Standing Committee on Judiciary; the Joint
33 Standing Committee on Inland Fisheries and Wildlife; the Joint Standing Committee on
34 Marine Resources; and the Joint Standing Committee on Criminal Justice and Public
35 Safety. Each committee that receives a report may report out a bill related to the report to
36 the Second Regular Session of the 132nd Legislature.'

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

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SUMMARY

This amendment replaces the bill with a resolve. The amendment directs the Department of Inland Fisheries and Wildlife, in consultation with the Right to Know Advisory Committee, to convene a working group composed of representatives from specified state agencies and the Right to Know Advisory Committee to examine the classification and accessibility of public records maintained by those state agencies and the associated fees that may be charged for those public records. The amendment also directs the working group to, by January 14, 2026, submit a report that includes the working group's findings and recommendations to the following joint standing committees of the Legislature: the Joint Standing Committee on Judiciary; the Joint Standing Committee on Inland Fisheries and Wildlife; the Joint Standing Committee on Marine Resources; and the Joint Standing Committee on Criminal Justice and Public Safety. Each committee that receives a report may report out a bill related to the report to the Second Regular Session of the 132nd Legislature.

FISCAL NOTE REQUIRED

(See attached)