

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1797

H.P. 1203

House of Representatives, April 24, 2025

**An Act to Implement the Recommendations of the Right to Know
Advisory Committee Concerning Denials of Public Records
Requests**

Reported by Representative KUHN of Falmouth for the Joint Standing Committee on
Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph
G.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint
Rule 218.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §408-A, sub-§4, as repealed and replaced by PL 2015, c. 494, Pt. A, §1, is amended to read:

4. Refusals; denials. If a body or an agency or official having custody or control of any public record refuses permission to inspect or copy or abstract a public record, the body or agency or official shall provide, within 5 working days of the receipt of the request for inspection or copying, written notice of the denial, stating the reason for the denial or the expectation that the request will be denied in full or in part following a review. A written notice of a denial must contain a citation to the statutory authority used as the basis for the denial. A request for inspection or copying may be denied, in whole or in part, on the basis that the request is unduly burdensome or oppressive if the procedures established in subsection 4-A are followed. Failure to comply with this subsection is considered failure to allow inspection or copying and is subject to appeal as provided in section 409.

SUMMARY

This bill is reported out by the Joint Standing Committee on Judiciary to implement statutory changes recommended by the Right to Know Advisory Committee. The joint standing committee has not taken a position on the substance of this bill. By reporting this bill out, the joint standing committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill; instead, the joint standing committee is reporting the bill out for the sole purpose of having a bill printed that can be referred to the joint standing committee for an appropriate public hearing and subsequent processing in the normal course. The joint standing committee is taking this action to ensure clarity and transparency in the legislative review of the proposals contained in the bill.

The bill requires that a written notice of a denial of a request for inspection or copying of a public record include a citation to the statutory authority used as the basis for the denial.