

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1813

H.P. 1214

House of Representatives, April 29, 2025

An Act to Implement the Recommendations of the Right to Know Advisory Committee Concerning State Boards and Commissions

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.

Robert B. Hunt

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 1 MRSA §412**, as amended by PL 2021, c. 313, §§5 to 7, is further amended
3 to read:

4 **§412. Public records and proceedings training for certain officials, board members**
5 **and public access officers**

6 **1. Training required.** A public access officer, a board member and an official subject
7 to this section shall complete a course of training on the requirements of this chapter
8 relating to public records and proceedings. The official, board member or public access
9 officer shall complete the training not later than the 120th day after the date the official or
10 board member assumes the person's duties as an official or board member or the person is
11 designated as a public access officer pursuant to section 413, subsection 1.

12 **2. Training course; minimum requirements.** The training course under subsection
13 1 must be designed to be completed by an official, a board member or a public access
14 officer in less than 2 hours. At a minimum, the training must include instruction in:

- 15 A. The general legal requirements of this chapter regarding public records and public
16 proceedings;
17 B. Procedures and requirements regarding complying with a request for a public record
18 under this chapter; and
19 C. Penalties and other consequences for failure to comply with this chapter.

20 An official, a board member or a public access officer meets the training requirements of
21 this section by conducting a thorough review of all the information made available by the
22 State on a publicly accessible website pursuant to section 411, subsection 6, paragraph C
23 regarding specific guidance on how a member of the public can use the law to be a better
24 informed and active participant in open government. To meet the requirements of this
25 subsection, any other training course must include all of this information and may include
26 additional information.

27 **3. Certification of completion.** Upon completion of the training course required
28 under subsection 1, the official, board member or public access officer shall make a written
29 or an electronic record attesting to the fact that the training has been completed. The record
30 must identify the training completed and the date of completion. The official or board
31 member shall keep the record or file it with the public entity to which the official or board
32 member was elected or appointed. A public access officer shall file the record with the
33 agency or official that designated the public access officer.

34 **4. Application.** This section applies to a public access officer and the following
35 officials:

- 36 A. The Governor;
37 B. The Attorney General, Secretary of State, Treasurer of State and State Auditor;
38 C. Members of the Legislature elected after November 1, 2008;
39 E. Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers
40 of probate and budget committee members of county governments;

1 F. Municipal officers; municipal clerks, treasurers, managers or administrators,
2 assessors and code enforcement officers and deputies for those positions; and planning
3 board members and budget committee members of municipal governments;

4 G. Superintendents, assistant superintendents and school board members of school
5 administrative units; ~~and~~

6 H. Officials of a regional or other political subdivision who, as part of the duties of
7 their offices, exercise executive or legislative powers. For the purposes of this
8 paragraph, "regional or other political subdivision" means an administrative entity or
9 instrumentality created pursuant to Title 30-A, chapter 115 or ~~chapter 119~~ or a quasi-
10 municipal corporation or special purpose district, including, but not limited to, a water
11 district, sanitary district, hospital district, school district of any type, transit district as
12 defined in Title 30-A, section 3501, subsection 1 or regional transportation corporation
13 as defined in Title 30-A, section 3501, subsection 2-; and

14 I. Members of a board or commission established under Title 5, chapter 379, referred
15 to in this section as "board members."

16 **Sec. 2. 1 MRSA §413, sub-§1**, as amended by PL 2015, c. 317, §2, is further
17 amended to read:

18 **1. Designation; responsibility.** Each agency, county, municipality, board or
19 commission established under Title 5, chapter 379, school administrative unit and regional
20 or other political subdivision shall designate an existing employee as its public access
21 officer to serve as the contact person for that agency, county, municipality, board or
22 commission, school administrative unit or regional or other political subdivision with
23 regard to requests for public records under this subchapter. The public access officer is
24 responsible for ensuring that each public record request is acknowledged within 5 working
25 days of the receipt of the request by the office responsible for maintaining the public record
26 requested and that a good faith estimate of when the response to the request will be
27 complete is provided according to section 408-A. The public access officer shall serve as
28 a resource within the agency, county, municipality, board or commission, school
29 administrative unit and regional or other political subdivision concerning freedom of access
30 questions and compliance.

31 **Sec. 3. 1 MRSA §413, sub-§2**, as enacted by PL 2011, c. 662, §8, is amended to
32 read:

33 **2. Acknowledgment and response required.** An agency, county, municipality, board
34 or commission established under Title 5, chapter 379, school administrative unit and
35 regional or other political subdivision that receives a request to inspect or copy a public
36 record shall acknowledge and respond to the request regardless of whether the request was
37 delivered to or directed to the public access officer.

38 SUMMARY

39 This bill is reported out by the Joint Standing Committee on Judiciary to implement
40 statutory changes recommended by the Right to Know Advisory Committee. The joint
41 standing committee has not taken a position on the substance of this bill. By reporting this
42 bill out, the joint standing committee is not suggesting and does not intend to suggest that
43 it agrees or disagrees with any aspect of this bill; instead, the joint standing committee is

1 reporting the bill out for the sole purpose of having a bill printed that can be referred to the
2 joint standing committee for an appropriate public hearing and subsequent processing in
3 the normal course. The joint standing committee is taking this action to ensure clarity and
4 transparency in the legislative review of the proposals contained in the bill.

5 The bill requires members of state boards and commissions established under the
6 Maine Revised Statutes, Title 5, chapter 379 to complete a course of training on the
7 requirements of the laws relating to public records and proceedings. The bill also requires
8 a board or commission established under Title 5, chapter 379 to designate a public access
9 officer.