

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1827

H.P. 1222

House of Representatives, April 29, 2025

An Act to Implement the Recommendations of the Right to Know Advisory Committee Concerning 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

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

2 **Sec. 1. 1 MRSA §408-A, sub-§4**, as repealed and replaced by PL 2015, c. 494, Pt.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

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

14 **Sec. 2. 1 MRSA §408-A, sub-§4-A**, as amended by PL 2017, c. 288, Pt. A, §1, is
15 further amended to read:

16 **4-A. Action for protection.** A body, an agency or an official may seek protection
17 from a request or series of requests for inspection or copying that is unduly burdensome or
18 oppressive by filing an action for an order of protection in the Superior Court for the county
19 where the request or series of requests for records was made within ~~30~~ 60 days of receipt
20 of the request or the point at which the body, agency or official determines that the series
21 of requests is unduly burdensome or oppressive.

22 A. The following information must be included in the complaint if available or
23 provided to the parties and filed with the court no more than 14 days from the filing of
24 the complaint or such other period as the court may order:

25 (1) The terms of the request or series of requests and any modifications agreed to
26 by the requesting party;

27 (2) A statement of the facts that demonstrate the burdensome or oppressive nature
28 of the request or series of requests, with a good faith estimate of the time required
29 to search for, retrieve, redact if necessary and compile the records responsive to
30 the request or series of requests and the resulting costs calculated in accordance
31 with subsection 8;

32 (3) A description of the efforts made by the body, agency or official to inform the
33 requesting party of the good faith estimate of costs and to discuss possible
34 modifications of the request or series of requests that would reduce the burden of
35 production; and

36 (4) Proof that the body, agency or official has submitted a notice of intent to file
37 an action under this subsection to the party requesting the records, dated at least 10
38 days prior to filing the complaint for an order of protection under this subsection.

39 B. Any appeal that may be filed by the requesting party under section 409 may be
40 consolidated with an action under this subsection.

41 C. An action for protection may be advanced on the docket and receive priority over
42 other cases when the court determines that the interests of justice so require upon the
43 request of any party.

1 D. If the court finds that the body, agency or official has demonstrated good cause to
2 limit or deny the request or series of requests, the court shall enter an order making
3 such findings and establishing the terms upon which production, if any, must be made.
4 If the court finds that the body, agency or official has not demonstrated good cause to
5 limit or deny the request or series of requests, the court shall establish a date by which
6 the records must be provided to the requesting party.

7 SUMMARY

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

17 The bill permits a body or agency or official to deny a series of requests for inspection
18 or copying of a public record on the basis that the series of requests is unduly burdensome
19 or oppressive. The bill also allows a body, agency or official to seek protection from a
20 request or series of requests that is unduly burdensome or oppressive by filing an action for
21 an order of protection in the Superior Court for the county where the request or series of
22 requests was made. The action must be filed within 60 days of the receipt of the request or,
23 in the case of a series of requests, within 60 days of the point at which a body, agency or
24 official determines that the series of requests is unduly burdensome or oppressive.