

MAINE STATE LEGISLATURE

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CHAPTER 13

PUBLIC RECORDS AND PROCEEDINGS

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SUBCHAPTER I

FREEDOM OF ACCESS

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§ 401. Declaration of public policy; open meetings

The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that their deliberations be conducted openly.

1959, c. 219.

§ 402. Public proceedings defined

The term "public proceedings" as used in this subchapter shall mean the transactions of any functions affecting any or all citizens of the State by any administrative or legislative body of the State, or of any of its counties or municipalities, or of any other political subdivision of the State, which body is composed of 3 or more members, with which function it is charged under any statute or under any rule or regulation of such administrative or legislative body or agency.

1959, c. 219.

§ 403. Meetings to be open to public

All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of these bodies or

agencies, and any minutes of such meetings as are required by law shall be promptly recorded and open to public inspection, except as otherwise specifically provided by statute.

1959, c. 219.

§ 404. Executive sessions

Nothing contained in this subchapter shall be construed to prevent these bodies or agencies from holding executive sessions, subject to the following conditions: That such sessions shall not be used to defeat the purposes of this subchapter; that no ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action shall be finally approved at such executive sessions; that such executive sessions may be called only by a majority vote of the members of such bodies or agencies. The conditions of this section shall not apply to executive sessions of committees of the Maine Legislature.

1959, c. 219.

§ 405. Minutes and records available for public inspection

Every citizen of this State shall, during the regular business or meeting hours of all such bodies or agencies, and on the regular business premises of all such bodies or agencies, have the right to inspect all public records, including any minutes of meetings of such bodies or agencies as are required by law, and to make memoranda abstracts or photographic or photostatic copies of the records or minutes so inspected, except as otherwise specifically provided by statute.

1959, c. 219.

§ 406. Violations

A violation of any of the provisions of this subchapter or the wrongful exclusion of any person or persons from any meetings for which provision is made shall be punishable by a fine of not more than \$500 or by imprisonment for less than one year. Nothing contained in this subchapter shall be construed as abridging the right of any citizen or citizens to appeal to a court of this State for the enforcement of the rights provided for in said subchapter.

1959, c. 219.

SUBCHAPTER II

DESTRUCTION OR MISUSE OF RECORDS

Sec.

451. Lawful destruction of records.

452. Removal, secretion, mutilation or refusal to return state documents.

§ 451. Lawful destruction of records

The old records of any state department which in the opinion of the head of such department are no longer of value to the State may be destroyed upon approval in writing of the Attorney General, State Auditor, Commissioner of Finance and Administration and State Historian; but not otherwise. If any old record appears to have sufficient value, approval to destroy shall be withheld until said old record has been copied at the expense of the State by any photostatic, photographic, microfilm or other process which produces a clear, accurate and permanent copy or reproduction thereof and satisfactory provision is made for the permanent storing of such copies or reproductions in fireproof containers. Nothing in this section shall be construed as amending or altering Title 29, section 60, which provisions are applicable only to the Department of the Secretary of State.

R.S.1954, c. 1, § 35.

§ 452. Removal, secretion, mutilation or refusal to return state documents

Whoever knowingly and willfully removes from the State House at Augusta, or from the custody of the Secretary of State, or of the Governor and Council, or other officer or person in whose lawful custody the same are deposited and kept in said State House, any book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other document or instrument, belonging to, or kept in any of the offices in said State House, except the books and documents kept and deposited in the State Library, or knowingly and willfully secretes, alters, mutilates, defaces or destroys any such book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other document or instrument, or knowingly and willfully aids or assists in so doing, or, having any such book

of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other such document or instrument in his possession, or under his control, willfully neglects or refuses to return the same to said State House, or to deliver the same to the person in lawful charge of the office or room in said State House where the same were kept or deposited, shall be punished by a fine of not more than \$5,000, and by imprisonment for not less than one year nor more than 3 years.

R.S.1954, c. 143, § 9.

SUBCHAPTER III

PRINTING AND PURCHASE OF DOCUMENTS AND LAWS

Sec.

- 501. Reports of departments, commissions and institutions.
- 502. Property of State.
- 503. Delivery to successor in office.
- 504. Source of authority to be shown.

§ 501. Reports of departments, commissions and institutions

The reports of all state departments, commissions and institutions may be printed and bound, but the number and styles in which the same shall be so printed and bound at the expense of the State shall be determined from time to time by the Governor and Council. The reports shall be printed biennially covering the 2 fiscal years next preceding each legislative year and shall be ready for distribution upon the convening of the Legislature at its regular biennial sessions. Such reports may be printed and distributed annually as are deemed advisable by the Governor and Council, or directed by the Legislature. At least 80 copies of these reports shall be delivered to the State Librarian, immediately upon receipt by the Superintendent of Public Printing, for exchange, library use and general distribution, and the balance of the number of each report shall be delivered by said superintendent to the head of the department or institution where it originated and where it was prepared for publication. At least 10 copies of all other publications, including periodicals, bulletins, pamphlets, leaflets and special reports issued by any department, commission or institution of the State, or by any legislative committee, shall be delivered to the State Librarian.

R.S.1954, c. 42, § 17: 1955, c. 185, § 5.

§ 502. Property of State

All Maine reports, digests, statutes, codes and laws, printed or purchased by the State and previously distributed by law to the several towns and plantations within the State, shall be and remain the property of the State and shall be held in trust by such towns or plantations for the sole use of the inhabitants thereof.

R.S.1954, c. 42, § 16; 1953, c. 427, § 3; 1955, c. 185, §§ 4, 16.

§ 503. Delivery to successor in office

All compilations or revisions of the statutes, and supplements thereto, and the laws, sold and delivered at half-price to any state, county or municipal officer shall be held in trust by said officer for the sole use of his office; and at the expiration of his term of office or on his removal therefrom by death, resignation or other cause, such officer, or if he be dead, his legal representatives, shall turn over to his successor in office all of said books and publications. If there be no successor to his office such officer, or his legal representatives, shall turn over all of said books and publications to the state, county or municipal unit which purchased the same. This section shall apply to the Maine reports distributed in accordance with Title 27, section 61. Copies of said publications distributed or sold to Justices and ex-justices of the Supreme Judicial and Superior Courts shall be and remain the personal property of said justices.

All compilations or revisions of the statutes, and supplements thereto, and the laws, sold and delivered by the State at half-price to municipalities within the State shall be held in trust by such municipalities for the sole use of the inhabitants thereof.

R.S.1954, c. 42, § 18; 1953, c. 427, §§ 2, 3; 1955, c. 185, §§ 6, 16.

§ 504. Source of authority to be shown

All publications printed or published by the State as a requirement of law shall set forth the authority for the same at an appropriate place on each copy printed or published. Publications printed or published by the State which are not required by law shall set forth the source of funds by which the publication is printed or published at an appropriate place on each copy. This section shall not apply to publications paid for out of the legislative appropriation.

1963, c. 335.