

MAINE STATE LEGISLATURE

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August 6, 1940

Royden V. Brown, Esquire
Secretary of Senate
Skowhegan
Maine

Dear Brother Brown:

Your letter of August 1 came a few days ago at a time when the Attorney General was engaged with the Governor and Council in the canvass of Primary Election returns. The General is now in Washington at a meeting of the State Attorneys General, called by U. S. Attorney General Jackson.

General Burnett, on receipt of your letter, requested me to investigate the law relative to your inquiry, and just before he left Friday afternoon, suggested that I submit to you the result of my findings. I regret to have to inform you that I do not find any law in Maine which relates to the inspection of public records and documents.

As there is no statute in this State regulating this matter, the common law rule in so far as it is applicable here, is doubtless in force. "At common law, every person is entitled to the inspection, either personally or by his agent, of public records including legislative, executive and judicial records, provided he has an interest therein which is such as would enable him to maintain or defend an action for which the document or record sought can furnish evidence or necessary information;" but no one has a right to examine or obtain copies of public records from mere curiosity.

In re: Caswell - 78 F. I. 855

"It may be safely said that at common law, when not detrimental to the public interest, the right to inspect public records exists with all persons who have a sufficient interest in the subject matter thereof, and not injurious to the public interests."

Clement v. Graham, 48 Vt. 314

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"The individual demanding access to, and inspection of public documents must not only have an interest in the matters to which they relate, a direct and tangible interest, but the inspection must be sought for some specific and legitimate purpose. The gratification of mere curiosity, or motives merely speculative will not entitle him to demand an examination of such records."

Brewer v. Watson, 71 Ala. 299

In the instant case it seems to me that there is considerable doubt about the documents in your possession being public documents, being filed with you temporarily as a partial report of a Committee, excepting those ordered filed with the various County Attorneys.

From the statement of the Committee near top of page 5 of their report, it appears to me that they did not desire or consider any part of their report, excepting that filed as aforesaid, should be public.

It seems to me that there could be no serious objection in so considering it until the court decides otherwise.

Very truly yours,

Sanford L. Fogg
Deputy Attorney General

SLF:GH