

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

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October 13, 1959

To: Perry D. Hayden, Commissioner of Mental Health & Corrections

Re: Attendance of Public at a Parole Hearing

We have your request for an opinion regarding the right of the public to attend a parole hearing.

These hearings are held at the institution where the prisoner is held. It is my understanding that these hearings are case evaluations based on the material in the case file and for the purpose of determining whether or not a person should be released from a state penal or correctional institution prior to the expiration of his maximum term.

Chapter 242, Public Laws of 1959, which amends Section 1, Chapter 27, provides in part:

“All orders of commitment, medical and *administrative records* in the department are held to be confidential . . .” (Emphasis supplied)

Chapter 219, Public Laws of 1959, commonly known as the “Right to Know” law provides in Section 38 that:

“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 are otherwise specifically provided by statute.*” (Emphasis supplied)

It is my understanding that the material used by the parole board for the case evaluation are the administrative records, which are confidential. Therefore, if the public were allowed to attend a parole hearing, it would violate the statute requiring these records to be held confidential. Apparently the intent of the act (Chapter 242, P. L. 1959) was to prevent information of a private nature from becoming public knowledge. Certain confidential information, if released, might adversely affect the rehabilitation of a parolee.

GEORGE A. WATHEN
Assistant Attorney General

October 15, 1959

To: Walter Steele, Executive Secretary of Milk Commission

Re: Bulk Tank Increase

I have your request for our opinion regarding various aspects of the Maine Milk Commission meeting held on July 16, 1959.

Section 4, Chapter 33, Revised Statutes of 1954, vests the Commission with authority to establish and change minimum prices paid by dealers to producers for milk received, purchased, stored, manufactured, processed, sold, distributed or otherwise handled within the State. Section 4 further provides that the Commission shall fix and establish wholesale and retail