

MAINE STATE LEGISLATURE

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Right to Know Law

1. Does the "right to know" law guarantee and protect the right of the audience group to use recording devices during an "open" public meeting? Yes, subject to certain statutory exceptions.

2. Are there any limitations that may be imposed upon the use of recording devices by the audience group at a public hearing? There is one specific limitation, (1 M.R.S.A. § 403) limiting public record making to activity which "does not interfere with the orderly conduct of [the] proceedings".

The statutory limitation prohibiting the audience, in its record making activity, from interfering with the "orderly conduct" of the proceedings may not be imposed discriminatively or arbitrarily. The statute means simply that the proceeding must be allowed to progress in an orderly fashion. To the extent that the audience record making activity interferes with the orderly conduct of the proceeding, such record making activity may be restricted or prohibited.

The same "orderly conduct" standard applies to rules and regulations promulgated by the body holding the public proceedings. Such rules and regulations directed at limiting the right of the public to make its own record of agency proceedings must be designed to preserve the "orderly conduct" of the proceedings; not as a barrier to public knowledge. The rules and regulations promulgated by a body holding public hearings within the scope of 1 M.R.S.A. § 403, the so-called "right to know" law, should take into account equipment in common useage and the disturbances and inconveniences which may result from the use of such equipment, and then, with fair and even application, establish such restrictions as may be necessary to the "orderly conduct" of the proceedings.

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AN INFORMAL OPINION