

# MAINE STATE LEGISLATURE

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June 6, 1974

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Maine Guarantee Authority

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**Confidentiality of Tapes of Meetings**

**SYLLABUS:**

Any member of the public has the right to listen to tape recordings made by the Maine Guarantee Authority for its own use during normal business hours and under such reasonable conditions as will assure the security of the recording.

**FACTS:**

The Maine Guarantee Authority makes tape recordings of its periodic business meetings. The meetings are not executive sessions. The recordings are not transcribed. Instead, minutes are prepared by the Authority staff from notes taken at the meeting. The recordings are used in the event there is a dispute over what was said at a meeting.

**QUESTION AND ANSWER:**

Does any citizen have a right to listen to the tape recordings?

Yes.

**REASONS:**

The Freedom of Access Law, 1 M.R.S.A. §§ 401-406, declares that the business of public agencies, such as the Maine Guarantee Authority, is "the peoples' business." The Law opens regular meetings to the public and requires that all final actions be taken in an open meeting. A majority of the Board may vote to hold an executive session, but may take no final action at such a meeting. Members of the public are not only entitled to attend, but to tape record, open meetings of the Board, provided only that the meeting is not disrupted and the recording does not interfere with the orderly conduct of the meeting.

The Freedom of Access Law does not require that the Board tape record its meetings or keep any record other than such minutes as are required by law. Those minutes are expressly open to the public. Although the Board's tape recordings are neither required to be made nor expressly declared to be available to the public, it would be capricious, to say the least, to hold that the

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public may not hear these tapes when any citizen might have attended the meeting and made his own recording. Consequently, it is our opinion that any citizen may listen to any recording of a meeting, not properly held as an executive session. The Authority may, of course, impose reasonable conditions to safeguard the recording.

Maine's Freedom of Access Law, one of the broadest and most liberal of any state, was designed to subject the workings of public agencies to public scrutiny as fully as possible and to limit strictly the records that could be withheld from public view. The importance of this objective is particularly evident when an agency has the Guarantee Authority's extraordinary power to pledge the credit of the State in guaranteeing a loan to a private enterprise and thereby commit substantial public funds. Not only is its business the peoples' business, its money is the peoples' money.

JON A. LUND  
Attorney General

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