

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

December 18, 1975

The Honorable Kathleen W. Goodwin
409 High Street
Bath, Maine 04530

Dear Representative Goodwin:

This is in response to your letter of December 1, 1975, asking whether a meeting of the Bath Council-elect was within the scope of 1 M.R.S.A., Sections 401-406, the so-called Right to Know Law. Ordinarily questions involving a city council would be for the city attorney to answer in the first instance. Given the circumstances in which your questions arise, however, we are happy to provide our opinion.

Your questions turn on the meaning of "public proceedings" as used in Section 403, since only those proceedings must be opened to the public. Section 402 of Title 1 defines that phrase as meaning the work of a "legislative body...of any... political subdivision of the State". Undoubtedly Bath is such a subdivision, and so the question is whether the council-elect was, at the time of this meeting, such a legislative body of the City of Bath. As a group, it consisted of persons newly elected to the Council and councilors previously elected and continuing in office.

The Bath City Charter provides staggered terms for city councilors and further provides that councilors serve until their successors have been "elected and qualified". If the newly elected councilors had been "qualified", a question we do not have enough facts to answer, clearly the meeting you describe was that of a "body" within the Right to Know Law. If the new councilors had not been "qualified", nonetheless you state that

The Honorable Kathleen W. Goodwin
December 18, 1975
Page 2

previously elected and qualified councilors were present. Since the City Council is a continuing body (4. McQuillan, Municipal Corporations, § 13.40), the business they were discussing was business of the then current council, of which they were then members. Consequently, we believe the Right to Know Law applied. Moving the meeting to a private place of business does not, of course, alter this conclusion.

It necessarily follows that no decision or vote at this meeting had any legal significance for any purpose.

Yours very truly,

JOSEPH E. BRENNAN
Attorney General

JEB:pm

fw