

MAINE STATE LEGISLATURE

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February 24, 1976

Honorable James K. McMahon
House of Representatives
State House
Augusta, Maine

Dear Representative McMahon:

I have been asked to respond to your letter of February 11, 1976, wherein you ask whether a representative of the press is prohibited, by the provisions of 3 M.R.S.A. § 341, from appearing, upon invitation, before a Legislative Committee or Subcommittee for the purpose of providing testimony on a bill being considered by that Committee or Subcommittee. From our discussion on February 19, 1976, it is my understanding that the Committee on Legal Affairs has invited a certain representative of the press, who is in fact actually engaged in sending daily reports of the doings of the Legislature to daily newspapers, to give testimony concerning three Legislative Documents, each of which deal with the so-called Public Right to Know Law, 1 M.R.S.A. § 401, et seq¹.

3 M.R.S.A. § 341 provides in applicable part that:

"Representatives of the press, who shall be actually engaged in sending daily reports of the doings of the Legislature to daily newspapers, shall have the privilege of the floor of the Senate and House of Representatives No such representative shall be interested in any private claim or measure pending before the Legislature, nor shall any such representative . . . become interested in the prosecution of any such claim or measure."
(emphasis added)

¹/ I understand these Legislative Documents to be as follows: (1) L.D. 2071, entitled "An Act to Permit Executive Sessions in Certain Labor Negotiations," (2) L.D. 2092, entitled "An Act Clarifying the Right-to-Know Statute" and (3) L.D. 2168, entitled "An Act Concerning the Definition of Public Proceedings and Concerning the Keeping of Minutes Under the Right to Know Law."

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The restrictions of 3 M.R.S.A. § 341 upon representatives of the press apply only when the Legislature in considering a private claim or measure. There is nothing in 3 M.R.S.A. § 341 which prohibits a representative of the press from providing testimony on a public claim, measure, bill or law.

It may be said generally that private claims, measures or acts relate only to or operate only upon particular persons. They do not relate to or operate upon the community as a whole, nor are they of general application. See, e.g., Garner v. Teamsters Union, 346 U.S. 485 (1953); State v. Indian Territory Illuminating Oil Co., 123 P. 166 (Okla., 1912); Fifth Ave. Coach Co. v. State, 131 N.Y.S. 62 (Court of Claims of New York, 1911). An example of a private claim is one made by an individual against the state for an injury resulting from some government activity. See Board of Supervisors v. State, 47 N.E. 288 (N.Y., 1897).

L.D. 2071, L.D. 2092 and L.D. 2168 all seek to amend the Right to Know Law, which is a public statute. No private claim or measure is involved. Therefore, the restrictions upon representatives of the press set forth in 3 M.R.S.A. § 341 are not applicable, and the press representative may provide testimony relating to any of these Legislative Documents.

Very truly yours,

DAVID ROSEMAN
Assistant Attorney General

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