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Freedom of Access Legislative Reapportionment
Commission
Freedom of Access Working Sessions
1 M.R.S.A. § 402-2

March 25, 1977

Honorable Judy C. Kany
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Kany:

You have asked for an opinion of this office on the question of the public nature of working sessions of the Reapportionment Commission. The question is reviewed in light of the provisions of the Maine Freedom of Access Law, 1 M.R.S.A. § 401, et seq.

The Reapportionment Commission is established by the Legislature pursuant to the requirements of Article IV, Part Third, Section 1A of the Constitution of Maine. Title 1 M.R.S.A. § 402, sub-§ 2 defines the term "public proceeding" as ". . . the transactions of any functions affecting any or all citizens of the State by any of the following:

- "A. The Legislature of Maine and its committees and subcommittees;
- "B. Any board or commission of any state agency or authority. . . ."

It is our opinion that transactions of the Reapportionment Commission would constitute a "public proceeding" under either paragraph A or B of subsection 2.

In accordance with 1 M.R.S.A. § 403, a public proceeding is to be open to the public. The only exceptions to this requirement are executive sessions as defined in § 405. We have reviewed the permissible reasons for which a body or agency may go into executive session and do not find among those reasons a "working session."

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We note that the Reapportionment Commission is established pursuant to the constitutional requirement cited above. The Commission differs in this respect from an ad hoc advisory body. We also note that 1 M.R.S.A. § 401 declares, as a matter of legislative policy, that the Freedom of Access Law be liberally construed and applied to promote its underlying purposes and policies.

In light of the foregoing and based upon the information which you have provided to us, it is our opinion that working sessions of the Reapportionment Commission must be open to the public unless an executive session is held for one of the limited reasons and by using the procedures specified in 1 M.R.S.A. § 405.

Sincerely,

S. KIRK STUDSTRUP
Assistant Attorney General

SKS:mfe