

MAINE STATE LEGISLATURE

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Freedom of Access Main. Committee on Aging
22 M.R.S.A. § 5111
1 M.R.S.A. § 403

JOSEPH E. BRENNAN
ATTORNEY GENERAL



RICHARD S. COHEN
JOHN M. R. PATERSON
DONALD G. ALEXANDER
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

June 9, 1978

TO: Joanne West, Maine Committee On Aging
FROM: Thomas E. Geyer, Assistant Attorney General
SUBJECT: Public Access to Records of Executive Sessions of the
Maine Committee On Aging

FACTS:

A private citizen has sought access to all the records relating to the activities of the Maine Committee On Aging, including minutes and other records made during meetings held in executive session.

QUESTIONS:

Does a private citizen have the right to inspect the minutes and other records of executive sessions of the Maine Committee On Aging, pursuant to 1 M.R.S.A. §401 et seq.

ANSWER:

NO. A private citizen does not have the right to inspect the minutes and other records of executive sessions of the Maine Committee On Aging, pursuant to 1 M.R.S.A. §401 et seq.

REASONS:

The Maine Committee On Aging was established pursuant to 22 M.R.S.A. §5108 et seq. Section 5109 indicates that meetings of the Committee shall be called by the chairman. These meetings can be either public or private, depending on the nature of the topics discussed. If the Committee is in compliance with the requirements of 1 M.R.S.A. §405, then it can meet in executive session. Whether the meeting is public or private, 22 M.R.S.A. §5111 requires that the Committee keep minutes. If the meeting is public, then, pursuant to 1 M.R.S.A. §401, et seq., any citizen may inspect the minutes or other records of the meeting. However, if the Committee is meeting in executive session, 1 M.R.S.A. §403 read together with §405 exempts the minutes and other records of such a meeting from public inspection.

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It should be noted that the motion to go into executive session listing the topics of discussion [1 M.R.S.A. §405(4)], is public record.

TEG:bjw