

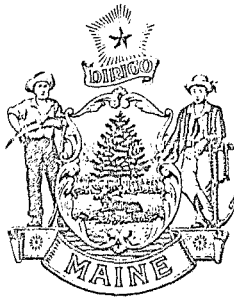
MAINE STATE LEGISLATURE

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

April 6, 1979

Honorable Luman P. Mahany
House of Representatives
State House
Augusta, Maine 04333

Re: Applicability of Freedom of Access Law, 1 M.R.S.A.
§ 401, et seq., to Hospital Board Meetings.

Dear Representative Mahany:

This responds to your request for an opinion as to whether hospital board meetings are open to the press and public pursuant to 1 M.R.S.A. § 401 et seq., the Freedom of Access Law.

With the exception of the Bangor Mental Health Institute and the Augusta Mental Health Institute,* all hospitals in Maine are private facilities. As such, they would not be subject to the provisions of the Freedom of Access Law for the following reasons.

The Legislature articulated the intent of the Freedom of Access Law in 1 M.R.S.A. § 401:

The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their records of their actions be open to public inspection and their deliberations be conducted openly.

* Since your question does not appear to deal with the Bangor and Augusta Mental Health Institutes, we express no opinion as to whether, or to what extent, the meetings of those Institutes would be open to the public.

Section 402, subsection 2, defines "public proceedings" as follows:

The term "public proceedings" as used in this subchapter shall mean 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;

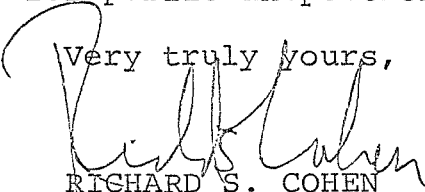
B. Any board or commission of any agency of authority, the Board of Trustees of the University of Maine and any of its committees and subcommittees, the administrative council of the University of Maine, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees; and

C. Any board, commission, agency or authority of any county, municipality, school district or any other political or administrative subdivision.

As indicated above, with two exceptions, all hospitals in Maine are private facilities. As such, they do not fall within any of the categories listed in 1 M.R.S.A. § 402(2), and are therefore not subject to the provisions of the Freedom of Access Law. Consequently, their board meetings are not by law open to the public or press.

Attached is a copy of an earlier opinion of this office which reflects the type of information concerning a private hospital which is available for public inspection.

Very truly yours,


RICHARD S. COHEN
Attorney General

RSC/ec