

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)

JANET T. MILLS
ATTORNEY GENERAL



TEL: (207) 626-8800
TTY: 1-888-577-6690

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES
84 HARLOW ST., 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

44 OAK STREET, 4TH FLOOR
PORTLAND, MAINE 04101-3014
TEL: (207) 822-0260
FAX: (207) 822-0259
TDD: (877) 428-8800

14 ACCESS HIGHWAY, STE 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

February 11, 2010

The Honorable Lawrence Bliss, Senate Chair
The Honorable Charles Priest, House Chair
Joint Standing Committee on the Judiciary
100 State House Station
Augusta, ME 04333-0100

Re: L.D. 1551, "An Act To Further Regulate the Communications of Members of
Public Bodies"

Dear Senator Bliss, Representative Priest and Members of the Committee:

Representative Dostie asked that I write to your committee concerning the advice our Office has given in the past on the question of whether a party caucus is subject to the Freedom of Access Act ("FOAA"), 1 M.R.S.A. §§ 401 *et seq.*

The Attorney General has not issued any opinion on this issue and this letter should not be cited as one. I will simply observe that the FOAA does not directly address party caucuses and the issue is one of statutory interpretation.

That part of the FOAA governing public proceedings applies to "[t]he Legislature, its committees and subcommittees." 1 M.R.S.A. § 402(2)(A). "Legislative subcommittee" is defined as "3 or more Legislators from a legislative committee appointed for the purpose of conducting legislative business on behalf of the committee." 1 M.R.S.A. § 402(1-A). As I understand it, party caucuses are not generally committees or subcommittees of the Legislature. Accordingly, we have said that we could defend a decision to close a caucus, while noting that if a legal challenge were to be brought, the specific circumstances would be relevant to the outcome.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Pistner'.

Linda M. Pistner
Chief Deputy Attorney General