

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 475

H. P. 360

House of Representatives, January 30, 1973

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Martin of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Insure that Citizens are Granted Due Process of Law by Governmental Agencies.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 1, § 402, amended. Section 402 of Title 1 of the Revised Statutes is amended to read as follows:

§ 402. Public proceedings defined

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 administrative or legislative body of the State, or of any of its counties or municipalities, or of any other political subdivision of the State ~~which body is composed of 3 or more members~~ with which function it is charged under any statute or under any rule or regulation of such administrative or legislative body or agency.

Sec. 2. R. S., T. 1, c. 13, § 404-A, additional. Chapter 13 of Title 1 of the Revised Statutes is amended by adding a new section 404-A, to read as follows:

§ 404-A. Decisions

Every state, quasi-state, county, municipal and quasi-municipal office, agency, department, bureau, district, commission or other entity thereof, hereinafter in this subchapter called "agency", shall make a written record of every decision which it is charged by law with making. Such written record or a copy thereof shall be kept by the agency and made available to any interested member of the public who may wish to review it.

When an agency decision is required by law, the agency shall set forth the reason or reasons for its decision and when appropriate, make findings of fact, in writing, so that any interested member of the public may be reasonably apprised of the basis for such decision.

STATEMENT OF FACT

1. Section 1 brings within the coverage and requirements of Maine's Freedom of Access Law, public bodies consisting of less than 3 members.
2. Section 2 seeks to change the practice of most local governmental agencies and boards and some state agencies and boards of (a) not keeping written records or minutes of their meetings, (b) not making written records of their decisions and (c) not setting forth reasons or findings of fact for their decisions. Because of these practices, the public, in many cases, is unable to question the decisions of its public agencies and is unable to make certain that these decisions are consistent and have a sound basis in fact and law.