

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE

SENATE AMENDMENT "A" to S.P. 149, L.D. 512, Bill,
"AN ACT to Establish the Public's Right to Know Governmental
Business and to Repeal Statutory Authority for Executive
Sessions."

Amend said Bill in that part designated "§402-A." of
section 1 by striking out all of subsection 1 and inserting
in place thereof the following:

'1. Public notice. Public notice shall be given for public
proceedings of any state, county, municipal or quasi-municipal
body that is elected or appointed. Public notice for all
public proceedings shall be given no later than 24 hours before
the public proceedings.'

Further amend said Bill in that part designated "§402-A.
of section 1 by striking out all of subsection 2 and inserting
in place thereof the following:

'2. Form of public notice.

A. Public notice of the time and place of all public
proceedings described in subsection 1 shall consist of
one notice posted at least 24 hours in advance of the public
proceedings in a conspicuous place at the principal
office of that body or, if no such office exists, at the
building in which the public proceedings are to be held.
Agenda for all public proceedings shall also be posted
at least 24 hours in advance of those public proceedings
in a conspicuous place at the principal office of that
body or, if no such office exists, at the building in which

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the public proceedings are to be held.

B. Emergency meetings are allowed and public notice for emergency meetings shall mean notification of a representative of the daily or weekly newspaper that serves the area where the public proceedings are to be held. Notification of the representative of the weekly or daily newspaper shall include the information as to time and place of the meeting along with agenda.'

Further amend said Bill in that part designated "§404-B." of section 1 by striking out all of the first underlined sentence of subsection 2 and inserting in place thereof the following:

'An executive session may be called by a 3/5 vote of the constituent' members of such bodies or agencies. A motion to go into executive session shall include the nature of the business of the executive session.'

Further amend said Bill in that part designated "§406-A." of section 5 by striking out all of the last underlined sentence of subsection 1 and inserting in place thereof the following:


'A suit to void any final action must be commenced within 30 days of this action.'

Further amend said Bill in that part designated "§406-A." of section 5 by striking out all of the first underlined sentence of subsection 3 and inserting in place thereof the following:

'A willful intentional violation of any of the provisions of this subchapter or the wrongful exclusion of any person or persons from any public proceeding for which provision is made shall be punishable by a fine of not more than \$500 or by imprisonment for a term of not more than one year.'

Statement of Fact

This amendment is to provide state and local public officials with some flexibility in carrying out their duties while still retaining the basic principles of public notice of governmental proceedings which was established by the bill itself. Thus, for instance, the notice requirements for public proceedings are simplified and the advance time requirement made 24 hours. Also, procedures for emergency public proceedings are set forth. In addition, certain other provisions of the bill pertaining to voidability of actions taken at public proceedings held without proper notice and to criminal violations under the bill are changed.


(Reeves)
NAME:

COUNTY: Kennebec

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