

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-1110)  
FIRST SPECIAL SESSION  
107TH LEGISLATURE

HOUSE AMENDMENT "E " to H.P. 2226, L.D. 2316, Bill, "AN ACT to Revise and Clarify the Freedom of Access Law."

Amend said Bill in that part designated "§402." by striking out all of the first paragraph of subsection 2 and inserting in place thereof the following: '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:'

Further amend said Bill by striking out all of that part designated "§403." and inserting in place thereof the following: '§403. Meetings to be open to public

Except as otherwise provided by statute or by section 405, all public proceedings shall be open to the public, any person shall be permitted to attend any public proceeding and any record or minutes of such proceedings that is required by law shall be made promptly and shall be open to public inspection.'

Further amend said Bill in that part designated "§405." in subsection 6, paragraph A by striking out all of subparagraphs (1), (2) and (3) and inserting in place thereof the following:

'(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the reputation or the individual's right to privacy would be violated;

(2) Any person charged or investigated shall be permitted to be present at an executive session if he so desires;

(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against him be conducted in open session. A request, if made to the agency, must be honored; and'

Further amend said Bill by striking out all of that part designated "§408." and inserting in place thereof the following:

'§408. Public records available for public inspection

Except as otherwise provided by statute, every person shall have the right to inspect and copy any public record during the regular business hours of the custodian or location of such record; provided that, whenever inspection cannot be accomplished without translation of mechanical or electronic data compilations into some other form, the person desiring inspection may be required to pay the State in advance the cost of translation and both translation and inspection may be scheduled to occur at such time as will not delay or inconvenience the regular activities of the agency or official having custody of the record sought and provided further that the cost of copying any public record to comply with this section shall be paid by the person requesting the copy.'

Further amend said Bill in that part designated "§409." by inserting at the end the following:

'3. Proceedings not exclusive. The proceedings authorized

by this section shall not be exclusive of any other civil remedy provided by law.'

Further amend said Bill by striking out all of that part designated "§410." and inserting in place thereof the following:

'§410. Violations

A willful violation of any requirement of this subchapter is a Class E crime.'

Statement of Fact

This amendment would make it clear that the right to inspect public records is not limited to those records kept by bodies of agencies that conduct "public proceedings" in the sense of meetings, but extends to all public records as defined in the law regardless what agency, office or official keeps those records. It is unnecessary to provide for public access to minutes of public meetings in this section, since that right is now provided by section 403 of the revised bill.

This amendment also makes clear that the right to attend an executive session to discuss personnel problems will be limited to persons actually being charged or investigated.

This amendment also makes certain other clarifications.

led by Mr. Joyce of Portland.

Reproduced and distributed under the direction of the Clerk of the House.  
3/26/76

(Filing No. H-1110)