

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1532

S. P. 452

In Senate, April 13, 1977

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Snowe of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Amend the Conditions for Holding Executive
Sessions under the Right to Know Law.**

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

1 MRSA § 405, sub-§ 6, as repealed and replaced by PL 1975, c. 758, is repealed and the following enacted in its place:

6. Burden of proof. In any judicial proceeding in which the propriety of an executive session, or of any action taken therein, is an issue the body or agency holding that executive session shall have the burden of proving by a clear preponderance of the evidence that the conditions of this section were met.

STATEMENT OF FACT

The Right to Know Law, as revised in 1975, provided a list of topics on which executive sessions could be held, excluding all other topics. This bill would repeal that list and replace it with a section providing that any body or agency holding executive sessions would have the burden of proving its compliance with the Right to Know Law. Thus the topics that could be discussed in executive session would not be specifically limited, but the body or agency would have to be prepared to demonstrate that the session had not been used to defeat the purposes of the Right to Know Law.