

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 770

H. P. 628

House of Representatives, February 26, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Bowden of Brooklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Clarify the Freedom of Access Law.

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

1 MRSA § 402, sub-§ 3, ¶D, as amended by PL 1977, c. 696, § 9, is further amended to read:

D. Material prepared for and used specifically and exclusively in preparation for negotiations, including the development of bargaining proposals to be made and the analysis of proposals received, by a public employer in collective bargaining with its employees and their designated representatives, **but not including any material delivered or disclosed to the other party to the bargaining;** and

STATEMENT OF FACT

Enactment of this bill would insure that written bargaining proposals used in collective bargaining between a public employer and its employees or their representatives become public records once they have been delivered or disclosed by one party in the bargaining to the other. The original purpose of paragraph D was to enable a public employer to develop its bargaining position in confidence. The reason for confidential treatment ceases once a proposal has been given to the other party to the bargaining.