

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 819

S.P. 314

In Senate, March 20, 1989

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HOBBS of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Provide Public Access to Records and Proceedings of Local and County Government Associations.



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

3 Sec. 1. 1 MRSA §402, sub-§2, ¶B, as repealed and replaced by PL
5 1987, c. 20, §1, is amended to read:

7 B. Any board or commission of any state agency or
9 authority, the Board of Trustees of the University of Maine
11 System and any of its committees and subcommittees, the
13 Board of Trustees of the Maine Maritime Academy and any of
its committees and subcommittees, the Board of Trustees of
the Maine Vocational-Technical Institute System and any of
its committees and subcommittees; and

15 Sec. 2. 1 MRSA §402, sub-§2, ¶C, as amended by PL 1987, c. 477,
§1, is further amended to read:

17 C. Any board, commission, agency or authority of any
19 county, municipality, school district or any regional or
other political or administrative subdivision; and

21 Sec. 3. 1 MRSA §402, sub-§2, ¶D is enacted to read:

23 D. Any association of boards, commissions, agencies or
25 authorities of any county, municipality, school district or
any other political or administrative subdivision.

27 Sec. 4. 1 MRSA §402, sub-§3, as amended by PL 1987, c. 402,
Pt. A, §1, is further amended to read:

29 3. Public records. The term "public records" shall ~~mean~~
31 means any written, printed or graphic matter or any mechanical or
33 electronic data compilation from which information can be
35 obtained, directly or after translation into a form susceptible
37 of visual or aural comprehension, that is in the possession or
custody of an agency or public official of this State or any of
its political subdivisions, including associations of such
39 subdivisions, and has been received or prepared for use in
connection with the transaction of public or governmental
business or contains information relating to the transaction of
public or governmental business, except:

41 A. Records that have been designated confidential by
43 statute law;

45 B. Records that would be within the scope of a privilege
47 against discovery or use as evidence recognized by the
49 courts of this State in civil or criminal trials if the
records or inspection thereof were sought in the course of a
court proceeding;

51 C. Records, working papers and interoffice and intraoffice
memoranda used or maintained by any Legislator, legislative

1 agency or legislative employee to prepare proposed Senate or
3 House papers or reports for consideration by the Legislature
5 or any of its committees during the biennium in which the
7 proposal or report is prepared;

9 D. Material prepared for and used specifically and
11 exclusively in preparation for negotiations, including the
13 development of bargaining proposals to be made and the
15 analysis of proposals received, by a public employer in
17 collective bargaining with its employees and their
19 designated representatives; and

21 E. Records, working papers, interoffice and intraoffice
23 memoranda used by or prepared for faculty and administrative
25 committees of the Maine Maritime Academy, the Maine
27 Vocational-Technical Institute System and the University of
29 Maine System. The provisions of this paragraph do not apply
31 to the boards of trustees and the committees and
33 subcommittees of those boards, which are referred to in
35 subsection 2, paragraph B.

23 STATEMENT OF FACT

25 This bill requires that the deliberations and records of
27 associations comprised of municipal, county or other political
29 subdivisions of the State be open to the public under Maine's
31 freedom of access laws. These associations are becoming
33 increasingly important in public policy making, yet they conduct
35 their business away from public scrutiny and are not required to
open the records of their actions for public inspection. This
bill intends to include under the freedom of access laws only
those associations of governmental units that are funded with
public money.