

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 205

H.P. 143

House of Representatives, January 11, 1999

An Act to Require Electronic Recording of Closed Sessions of Public Bodies.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GLYNN of South Portland.
Cosponsored by Senator CAREY of Kennebec.

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

4 **Sec. 1. 1 MRSA §405, sub-§7 is enacted to read:**

6 7. Electronic recording. The agency or body shall record the executive session electronically by audiotape or videotape.

8 A. A person who had a right to be present during the executive session, or that person's legal representative, may listen to or view the recording in the presence of the custodian of the recording.

12 B. The agency or body shall disclose the recording pursuant to court order.

16 C. Upon majority vote, the agency or body may disclose the recording unless the executive session is required to be confidential.

20 D. A member or employee of the agency or body who discloses the recording in violation of this subsection commits a civil violation for which a forfeiture of not more than \$500 may be adjudged. This penalty is in addition to any penalty imposed under section 410.

26 **SUMMARY**

28 This bill requires each agency and public body to make an
30 electronic recording of its executive sessions. The recording
32 must be available to any person, or that person's legal
34 representative, who had a right to be present during the
36 executive session. The recording must be disclosed pursuant to a
38 court order. If the executive session was not required to be
40 confidential, the agency or public body may make the recording
42 public upon majority vote. Disclosure in violation of the law by
a member or employee of the agency or public body is a civil
violation for which the individual may be subject to a forfeiture
of up to \$500. This penalty is in addition to the penalty
applicable to the agency or public body under the Maine Revised
Statutes, Title 1, section 410.