

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

---

Legislative Document

No. 437

H.P. 321

House of Representatives, January 14, 1999

---

**An Act to Clarify the Law Regarding Executive Sessions of Public Bodies.**

---

Reference to the Committee on Judiciary 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.

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

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44

Sec. 1. 1 MRSA §405, sub-§6, ¶D, as enacted by PL 1975, c. 758, is repealed and the following enacted in its place:

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions:

Sec. 2. 1 MRSA §405, sub-§6, ¶E, as enacted by PL 1975, c. 758, is amended to read:

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, regarding pending or contemplated litigation, settlement offers and matters where when the duties of the public body's counsel to his the client pursuant to the code of professional responsibility clearly conflict with this subchapter or where when premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage. If litigation is pending, the case must be cited before the body or agency may go into executive session; and

**SUMMARY**

This bill amends the law governing executive sessions in public proceedings. The bill requires that in discussions of labor contracts and proposals and in meetings between a public agency and its negotiators the parties must be named before the executive session may occur. The bill clarifies that consultations between a body or agency and its attorney may be in executive session when those consultations concern the legal rights and duties of the body or agency only as those rights and duties pertain to matters permitted by statute and not in general. The bill further provides that if litigation is pending and it is the matter for which an executive session is called, the case must be cited before the body or agency may go into executive session.