

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1857

H.P. 1296

House of Representatives, March 16, 1999

### **An Act to Amend the Freedom of Access Laws.**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CHICK of Lebanon.  
Cosponsored by Senator MacKINNON of York and  
Representatives: ANDREWS of York, HONEY of Boothbay, JOY of Crystal, PERKINS of  
Penobscot, SNOWE-MELLO of Poland, STEDMAN of Hartland, TRAHAN of Waldoboro,  
Senator: KIEFFER of Aroostook.

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

Sec. 1. 1 MRSA §406, as amended by PL 1987, c. 477, §4, is further amended to read:

**§406. Public notice**

Public notice shall must be given for all public proceedings as defined in section 402, if these proceedings are a meeting of a body or agency consisting of 3 or more persons. This notice shall must be given ~~in-ample-time-to-allow-public-attendance~~ 72 hours, excluding weekends and holidays, prior to the public proceeding and shall must be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served by the body or agency concerned. The notice must include an agenda listing all items to be considered at the meeting. An item may not be discussed at the meeting unless it is listed on the agenda. In the event of an emergency meeting, local representatives of the media shall must be notified of the meeting, whenever practical, the notification to include time and location, by the same or faster means used to notify the members of the agency conducting the public proceeding.

Sec. 2. 1 MRSA §410, as repealed and replaced by PL 1987, c. 477, §6, is amended to read:

**§410. Violations**

For every willful violation of this subchapter, the state government agency or local government entity whose officer or employee committed the violation shall ~~be~~ is liable for a civil violation for which a forfeiture of not more than \$500 \$750 plus reasonable attorney's fees for the first violation may be adjudged. For a 2nd violation in a 10-year period, the government agency or entity is subject to a fine of not more than \$1,500 plus reasonable attorney's fees. For a 3rd or subsequent violation in a 10-year period, the government agency or entity is subject to a fine of not more than \$5,000 and reasonable attorney's fees. This section may be enforced in an action brought by the Attorney General, a district attorney or any other person.

Any government action that results from a public proceeding during which a violation of this subchapter occurs is void unless the violation is acknowledged and there is a de novo consideration of the action. If the violation is remedied within 30 days of the public proceeding at which it occurred, then the penalties imposed pursuant to this section are waived.

## SUMMARY

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4       This bill amends the freedom of access laws to require 72  
6 hours of notice prior to a public meeting and to require the  
8 public notice to include an agenda listing the items to be  
discussed at the public meeting. An item not on the agenda may  
not be discussed at the meeting.

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10       This bill also increases the penalties that may be imposed  
12 on a state government agency or local government entity for a  
violation of the freedom of access laws. Any government action  
14 taken at a meeting that is held in violation of the freedom of  
access laws is considered void unless the violation is  
acknowledged and the action is reconsidered.