

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 242

H.P. 207

House of Representatives, January 23, 2001

An Act to Amend the Freedom of Access Laws.

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative CHICK of Lebanon.
Cosponsored by Representatives: CLOUGH of Scarborough, GOOLEY of Farmington,
HEIDRICH of Oxford, MATTHEWS of Winslow, PERRY of Bangor, STEDMAN of
Hartland, TARAZEWICH of Waterboro, TRACY of Rome.

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

2
3 Sec. 1. 1 MRSA §410, as repealed and replaced by PL 1987, c.
4 477, §6, is amended to read:

6 **§410. Violations**

8 For every willful violation of this subchapter, the state
9 government agency or local government entity whose officer or
10 employee committed the violation shall ~~be~~ is liable for a civil
11 violation for which a forfeiture of not more than \$500 may be
12 adjudged.

14 An action may be brought under this section by the Attorney
15 General or a district attorney. Any other person may bring an
16 action under this section if the Attorney General fails to bring
17 an action within 30 days after receiving a written complaint
18 alleging a violation of this subchapter. Any forfeiture imposed
19 in such an action is payable to the State.
20

22 **SUMMARY**

24 This bill allows a person other than the Attorney General or
25 a district attorney to bring an action to enforce the freedom of
26 access laws if the Attorney General fails to bring an action
27 within 30 days after receiving a complaint of a violation. Any
28 civil forfeiture recovered in the action is paid to the State,
29 not to the person bringing the action.
30