

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1203

H.P. 878

House of Representatives, March 6, 2003

### An Act Concerning Executive Sessions of Public Bodies

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative GLYNN of South Portland.

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. Record required. Along with the record of the vote on  
8 the motion to go into executive session as required in subsection  
10 3, the body or agency shall record the discussion in executive  
12 session. The record of the discussion is confidential and may  
14 not be released except:

16 A. If a majority of the body or agency votes to release it;

18 B. To a court for in camera inspection; or

20 C. By order of a court in an action alleging a violation of  
22 this subchapter.

24 The record may be made in writing or in electronic or other form.

#### 26 SUMMARY

28 Current freedom of access laws require an agency or body to  
30 record the vote on the motion to go into executive session. This  
32 bill directs that the record of the vote must include the  
discussion in the executive session. The record can be in  
writing or in electronic or other form. The record of the  
discussions is confidential and may not be released except in 3  
situations. First, a majority of the body or agency may vote to  
release the record. Second, the record may be released to a  
court for in camera inspection. Third, the record may be  
released pursuant to an order of a court when a violation of  
freedom of access laws is alleged.