

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 746, L.D. 1085, Bill, "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Receipt of a Request for Public Records"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 1 MRSA §408-A, sub-§3, as amended by PL 2013, c. 350, §1, is further amended to read:

3. Acknowledgment; clarification; time estimate; cost estimate. The agency or official having custody or control of a public record shall acknowledge receipt of a request made according to this section within 5 working days of receiving the request and may request clarification concerning which public record or public records are being requested. Within a reasonable time of receiving the request, the agency or official shall provide a good faith, nonbinding estimate of the time within which the agency or official will comply with the request, as well as a cost estimate as provided in subsection 9. The agency or official shall make a good faith effort to fully respond to the request within the estimated time. For purposes of this subsection, the date a request is received is the date a sufficient description of the public record is received by the agency or official at the office responsible for maintaining the public record. An agency or official that receives a request for a public record that is maintained by that agency but is not maintained by the office that received the request shall forward the request to the office of the agency or official that maintains the record, without willful delay, and shall notify the requester that the request has been forwarded and that the office to which the request has been forwarded will acknowledge receipt within 5 working days of receiving the request.

Sec. 2. 1 MRSA §413, sub-§1, as enacted by PL 2011, c. 662, §8, is amended to read:

1. Designation; responsibility. Each agency, county, municipality, school administrative unit and regional or other political subdivision shall designate an existing employee as its public access officer to serve as the contact person for that agency, county, municipality, school administrative unit ~~and~~ or regional or other political

COMMITTEE AMENDMENT

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1 subdivision with regard to requests for public records under this subchapter. The public
2 access officer is responsible for ensuring that each public record request is acknowledged
3 within a ~~reasonable period of time~~ 5 working days of the receipt of the request by the
4 office responsible for maintaining the public record requested and that a good faith
5 estimate of when the response to the request will be complete is provided according to
6 section 408-A. The public access officer shall serve as a resource within the agency,
7 county, municipality, school administrative unit and regional or other political
8 subdivision concerning freedom of access questions and compliance.'

9 **SUMMARY**

10 This amendment requires the agency or official that forwards a public record request
11 to the office that has custody of the records that are the subject of the request to notify the
12 requester that the request has been forwarded to the appropriate office and that the 5-day
13 period within which the receipt of the request must be acknowledged begins to run when
14 that receiving office receives the request.

15 This amendment also amends the laws governing public access officers by
16 specifically requiring that a request for public records be acknowledged within 5 working
17 days of the receipt of the request by the office responsible for maintaining the public
18 record requested. This is consistent with the acknowledgment deadline.

19 This amendment clarifies that the responsibility to forward a request for public
20 records to the office that maintains the records is limited to circumstances in which the
21 request is made to an agency that consists of more than one office in different locations,
22 and the request is made to an office that does not maintain the records. The bill requires
23 that the request be forwarded to the office that does maintain the records. It does not
24 require a municipality to forward the request to another municipality.