

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1821

H.P. 1263

House of Representatives, February 5, 2018

**An Act To Implement Recommendations of the Right To Know
Advisory Committee Concerning Freedom of Access Training for
Public Officials**

Reported by Representative MOONEN of Portland for the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 1 MRSA §412**, as amended by PL 2011, c. 662, §7, is further amended to
3 read:

4 **§412. Public records and proceedings training for certain officials and public access**
5 **officers**

6 **1. Training required.** A public access officer and an ~~elected~~ official subject to this
7 section shall complete a course of training on the requirements of this chapter relating to
8 public records and proceedings. The official or public access officer shall complete the
9 training not later than the 120th day after the date the ~~elected~~ official takes the oath of
10 office to assume the person's duties as an ~~elected~~ official or the person is designated as a
11 public access officer pursuant to section 413, subsection 1.

12 **2. Training course; minimum requirements.** The training course under subsection
13 1 must be designed to be completed by an official or a public access officer in less than 2
14 hours. At a minimum, the training must include instruction in:

15 A. The general legal requirements of this chapter regarding public records and public
16 proceedings;

17 B. Procedures and requirements regarding complying with a request for a public
18 record under this chapter; and

19 C. Penalties and other consequences for failure to comply with this chapter.

20 An ~~elected~~ official or a public access officer meets the training requirements of this
21 section by conducting a thorough review of all the information made available by the
22 State on a publicly accessible website pursuant to section 411, subsection 6, paragraph C
23 regarding specific guidance on how a member of the public can use the law to be a better
24 informed and active participant in open government. To meet the requirements of this
25 subsection, any other training course must include all of this information and may include
26 additional information.

27 **3. Certification of completion.** Upon completion of the training course required
28 under subsection 1, the ~~elected~~ official or public access officer shall make a written or an
29 electronic record attesting to the fact that the training has been completed. The record
30 must identify the training completed and the date of completion. The ~~elected~~ official
31 shall keep the record or file it with the public entity to which the official was elected or
32 appointed. A public access officer shall file the record with the agency or official that
33 designated the public access officer.

34 **4. Application.** This section applies to a public access officer and the following
35 elected and appointed officials:

36 A. The Governor;

37 B. The Attorney General, Secretary of State, Treasurer of State and State Auditor;

38 C. Members of the Legislature elected after November 1, 2008;

- 1 E. Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers
2 of probate and budget committee members of county governments;
- 3 F. Municipal officers, clerks, treasurers, assessors and budget committee members of
4 municipal governments;
- 5 G. Officials of school administrative units; and
- 6 H. Officials of a regional or other political subdivision who, as part of the duties of
7 their offices, exercise executive or legislative powers. For the purposes of this
8 paragraph, "regional or other political subdivision" means an administrative entity or
9 instrumentality created pursuant to Title 30-A, chapter 115 or 119 or a quasi-
10 municipal corporation or special purpose district, including, but not limited to, a
11 water district, sanitary district, hospital district, school district of any type, transit
12 district as defined in Title 30-A, section 3501, subsection 1 or regional transportation
13 corporation as defined in Title 30-A, section 3501, subsection 2.

14 **SUMMARY**

15 Current law requires officials elected to certain positions to complete training on the
16 requirements of the Freedom of Access Act but does not require officials appointed to
17 those positions to complete that training. This bill implements the recommendation of the
18 Right To Know Advisory Committee that appointed officials also be required to complete
19 the training.