

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1345

H.P. 996

House of Representatives, March 30, 2021

An Act To Implement the Recommendations of the Right To Know Advisory Committee

Reported by Representative HARNETT of Gardiner 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 "Robert 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 §408-A, sub-§8, ¶A**, as enacted by PL 2011, c. 662, §5, is
3 amended to read:

4 A. The agency or official may charge a reasonable fee to cover the cost of copying. A
5 reasonable fee to cover the cost of copying is no more than 10¢ per page for a standard
6 8 1/2 inches by 11 inches black and white copy of a record. A per-page copy fee may
7 not be charged for records provided electronically.

8 **Sec. 2. 1 MRSA §411, sub-§2, ¶M**, as amended by PL 2015, c. 250, Pt. A, §1, is
9 further amended to read:

10 M. The Attorney General or the Attorney General's designee; ~~and~~

11 **Sec. 3. 1 MRSA §411, sub-§2, ¶N**, as enacted by PL 2015, c. 250, Pt. A, §2, is
12 amended to read:

13 N. One member with broad experience in and understanding of issues and costs in
14 multiple areas of information technology, including practical applications concerning
15 creation, storage, retrieval and accessibility of electronic records; use of
16 communication technologies to support meetings, including teleconferencing and
17 Internet-based conferencing; databases for records management and reporting; and
18 information technology system development and support, appointed by the Governor; ~~;~~
19 and

20 **Sec. 4. 1 MRSA §411, sub-§2, ¶O** is enacted to read:

21 O. One representative having legal or professional expertise in the field of data and
22 personal privacy, appointed by the Governor.

23 **Sec. 5. 1 MRSA §412, sub-§1**, as amended by PL 2019, c. 300, §1, is further
24 amended to read:

25 **1. Training required.** A public access officer and an official subject to this section
26 shall complete a course of training on the requirements of this chapter relating to public
27 records and proceedings. The official or public access officer shall complete the training
28 not later than the 120th day after the date the official ~~takes the oath of office to assume~~
29 assumes the person's duties as an official or the person is designated as a public access
30 officer pursuant to section 413, subsection 1.

31 **Sec. 6. 1 MRSA §412, sub-§4, ¶F**, as enacted by PL 2007, c. 576, §2, is amended
32 to read:

33 F. Municipal officers; municipal clerks, treasurers, managers or administrators,
34 assessors and code enforcement officers and deputies for those positions; and planning
35 board members and budget committee members of municipal governments;

36 **Sec. 7. 1 MRSA §412, sub-§4, ¶G**, as amended by PL 2011, c. 662, §7, is further
37 amended to read:

38 G. ~~Officials~~ Superintendents, assistant superintendents and school board members of
39 school administrative units; and

40 **Sec. 8. 1 MRSA §432, sub-§2, ¶G-1** is enacted to read:

1 G-1. Whether public access to the record ensures or would ensure that members of the
2 public are able to make informed health and safety decisions;

3 **Sec. 9. 1 MRSA §434, sub-§2, ¶G-1** is enacted to read:

4 G-1. Whether public access to the record ensures or would ensure that members of the
5 public are able to make informed health and safety decisions;

6 **SUMMARY**

7 This bill implements recommendations of the Right To Know Advisory Committee
8 that were contained in the 2020 annual report.

9 The bill caps the fee to cover the cost of copying a public record at no more than 10¢
10 per page for a standard 8 1/2 inches by 11 inches black and white copy and clarifies that a
11 per-page copy fee may not be charged for records provided electronically.

12 The bill adds a member to the Right To Know Advisory Committee who has legal or
13 professional experience in the field of data and personal privacy, to be appointed by the
14 Governor.

15 The bill makes the following changes to the requirements for training under the
16 Freedom of Access Act.

17 1. It clarifies that an official must complete training within 120 days of assuming the
18 duties of the position.

19 2. It expands the list of municipal officials required to complete training to include
20 code enforcement officers, town managers and administrators and planning board members
21 and clarifies that deputies of municipal clerks, treasurers, managers or administrators,
22 assessors and code enforcement officers must also complete the training.

23 3. It clarifies that school superintendents, assistant superintendents and school board
24 members are required to complete training.