

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1346

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H.P. 997

House of Representatives, March 30, 2021

**An Act To Implement the Recommendations of the Right To Know  
Advisory Committee Concerning Fees Charged for Responding to  
Public Records Requests**

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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, ¶B,** as enacted by PL 2011, c. 662, §5, is  
3 amended to read:

4 B. The agency or official may charge a fee to cover the actual cost of searching for,  
5 retrieving and compiling the requested public record ~~of not more than \$15 per hour~~  
6 after the first hour of staff time per request in accordance with this paragraph.  
7 Compiling the public record includes reviewing and redacting confidential  
8 information.

9 (1) The agency or official may not charge a fee for the first 2 hours of staff time  
10 per request.

11 (2) After the first 2 hours of staff time, the agency or official may charge a fee of  
12 not more than \$25 per hour.

13 **Sec. 2. 1 MRSA §408-A, sub-§12** is enacted to read:

14 **12. Retention of fees or costs.** An agency may retain any fees or costs charged under  
15 this section.

## 16 SUMMARY

17 This bill implements recommendations of the Right To Know Advisory Committee  
18 concerning the fees that an agency or official may charge to cover the costs of responding  
19 to public records requests.

20 The bill does the following.

21 1. It extends the time period for which an agency or official may not charge a fee for  
22 searching for, retrieving and compiling a requested public record from the first hour of staff  
23 time per request to the first 2 hours of staff time per request.

24 2. It increases the fee that may be charged after the first 2 hours of staff time per request  
25 for searching for, retrieving and compiling a requested public record from not more than  
26 \$15 per hour to not more than \$25 per hour.

27 3. It specifies that an agency may retain any fee or cost charged.