

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
99th LEGISLATURE

COMMITTEE AMENDMENT "A" to S. P. 26, L. D. 6, Bill, "An Act Pertaining to Freedom of Access to Public Records and Proceedings."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

"R.S., c. 1, §§36-41, additional. Chapter 1 of the Revised Statutes is amended by adding 6 new sections, 36 to 41, to read as follows:

'Freedom of Access to Public Records and Proceedings.

Sec. 36. Declaration of public policy; open meetings. The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that their deliberations be conducted openly.

Sec. 37. Definition of public proceedings. The term "public proceedings" as used in sections 36 to 41 shall mean the transactions of any functions affecting any or all citizens of the State by any administrative or legislative body of the State, or of any of its counties or municipalities, or of any other political subdivision of the State, which body is composed of 3 or more members, with which function it is charged under any statute or under any rule or regulation of such administrative or legislative body or agency.

Sec. 38. Meetings to be open to the public. All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of these bodies or agencies, and any minutes of such meetings as are required by law shall be promptly recorded and open to public inspection, except as otherwise specifically provided by statute.

Sec. 39. Executive sessions. Nothing contained in sections 36 to 41 shall be construed to prevent these bodies or agencies from holding executive sessions, subject to the following conditions: that such sessions shall not be used to defeat the purposes of sections 36 to 41; that no ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action shall be finally approved at such executive sessions; that such executive sessions may be called only by a majority vote of the members of such bodies or agencies. The conditions of this section shall not apply to executive sessions of committees of the Maine Legislature.

Sec. 40. Minutes and records available for public inspection. Every citizen of this State shall, during the regular business or meeting hours of all such bodies or agencies, and on the regular business premises of all such bodies or agencies, have the right to inspect all public records, including any minutes of meetings of such bodies or agencies as are required by law, and to make memoranda abstracts or photographic or photostatic copies of the records or

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minutes so inspected, except as otherwise specifically provided by statute.

Sec. 41. Violation. A violation of any of the provisions of sections 36 to 41 or the wrongful exclusion of any person or persons from any meetings for which provision is made shall be punishable by a fine of not more than \$500 or by imprisonment for less than one year. Nothing contained in sections 36 to 41 shall be construed as abridging the right of any citizen or citizens to appeal to a court of this State for the enforcement of the rights provided for in said sections."

Reported by the Committee on Judiciary.

Read and Adopted in the Senate April 14, 1959.

Reproduced and distributed under the direction of the Clerk of the House.

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