

MAINE STATE LEGISLATURE

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N I N E T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 6

S. P. 26

In Senate, January 14, 1959.

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Woodcock of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Pertaining to Freedom of Access to Public Records and Proceedings.

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

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 function 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, 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 the minutes of such meetings 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 executive sessions may be called only by a majority vote of the members of such bodies or agencies, the "ayes" and "nays" to be recorded and subject to public inspection; and that minutes of such executive sessions shall be promptly recorded.

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, have the right to inspect all public records, including the minutes of all meetings and executive sessions of such bodies or agencies, and to make memoranda abstracts, photographic or photostatic copies of the records or 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 meeting for which provision is herein made, shall be punishable by a fine of not more than \$500 or by imprisonment for less than one year; and nothing contained herein 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 sections 36 to 41.'