

RECOMMENDED LEGISLATION TO AMEND FOAA TRAINING LAW

Sec. 1. 1 MRSA §412 is amended to read:

§412. Public records and proceedings training for certain elected officials and public access officers

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

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

- A. The general legal requirements of this chapter regarding public records and public proceedings;
- B. Procedures and requirements regarding complying with a request for a public record under this chapter; and
- C. Penalties and other consequences for failure to comply with this chapter.

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

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

4. Application. This section applies to a public access officer and the following officials:

- A. The Governor;
- B. The Attorney General, Secretary of State, Treasurer of State and State Auditor;
- C. Members of the Legislature elected after November 1, 2008;

D.

E. Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate and budget committee members of county governments;

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

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

H. Officials of a regional or other political subdivision who, as part of the duties of their offices, exercise executive or legislative powers. For the purposes of this paragraph, "regional or other political subdivision" means an administrative entity or instrumentality created pursuant to Title 30-A, chapter 115 or 119 or a quasi-municipal corporation or special purpose district, including, but not limited to, a water district, sanitary district, hospital district, school district of any type, transit district as defined in Title 30-A, section 3501, subsection 1 or regional transportation corporation as defined in Title 30-A, section 3501, subsection 2.

SUMMARY

This draft makes the following changes to the requirements for training.

1. It clarifies that an official must complete training within 120 days of assuming the duties of the position.
2. It expands the municipal officials required to completed training to include code enforcement officers, town managers and administrators and planning board members and clarifies that deputies of municipal clerks, treasurers, managers or administrators, assessors and code enforcement officers must also complete the training.
3. It clarifies that school superintendents, assistant superintendents and school board members are required to complete training.

RECOMMENDED LEGISLATION TO CAP COPYING COSTS

Sec. 1. 1 MRSA §408-A, sub-§8, ¶A is amended to read:

A. The agency or official may charge a reasonable fee to cover the cost of copying. A reasonable fee to cover the cost of copying is no more than 10¢ per page for a standard 8½" x 11" black and white copy of a record. A per page copy fee may not be charged for records provided electronically.

Summary

This draft caps the fee to cover the cost of copying at no more than 10¢ per page for a standard 8½” x 11” black and white copy of a record and clarifies that a per page copy fee may not be charged for records provided electronically.

RECOMMENDED LEGISLATION TO ADD TO REVIEW CRITERIA

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

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

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

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

SUMMARY

This draft adds to the list of criteria considered by the Right to Know Advisory Committee when reviewing existing public records exceptions and by the Judiciary Committee when evaluating proposed public records exceptions. The new criterion is whether the providing access to the record ensures or would ensure that members of the public are able to make informed health and safety decisions.

RECOMMENDED LEGISLATION TO AMEND RTKAC MEMBERSHIP

The Advisory Committee agreed to include one more recommendation discussed briefly by the subcommittee: to expand the membership of the Right to Know Advisory Committee to include a member who has legal or professional expertise in the field of data and personal privacy, to be appointed by the Governor.

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

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

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

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

Sec. 3. 1 MR.S.A. § 411, sub-§ 2, ¶ O is enacted to read:

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

SUMMARY

This draft adds a member to the Right to Know Advisory Committee who has legal or professional experience in the field of data and personal privacy, to be appointed by the Governor.