



LEAGUE OF WOMEN VOTERS OF MAINE

PO Box 863
Augusta, ME 04332-0863

(207) 622-0256
lwvme@gwi.net

TO: The Honorable Senator Barry J. Hobbins
The Honorable Representative Deborah L. Simpson, Co-chairs
The Joint Standing Committee on the Judiciary

RE: LD 1822 “An Act to Implement the Recommendations of the Right to Know
Advisory Committee”

The League of Women Voters of Maine (“LWVME”) is pleased to submit the following testimony concerning LD 1822. The League believes that democratic government depends upon the informed and active participation of its citizens at all levels of government. The League further believes that governmental bodies must protect the citizen’s right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible. Because LD 1822 would broaden the public’s ability to access public records and assure their ability to attend public proceedings, we urge you to vote “Ought to Pass” on LD 1822.

The League supports public records and proceedings training for elected officials. While the majority of Maine’s public officials are responsive to citizen requests for public records, others are not. The “Report on Public Records Follow-Up Audit,” conducted in May, 2006 by the Maine Freedom of Information Coalition, of which the League is a member, found that there remains a significant percentage of instances where volunteers requesting information from the public record were denied access or questioned inappropriately about their identity or their reason for accessing the information.¹ For example, 59% of town offices refused access to two types of public documents.² In addition 23% improperly asked for the volunteer auditor’s identification and 37% asked why the auditor needed the information.³

Under current law,⁴ if a citizen has been denied access to a public record, or excluded from a public proceeding, their only method of appeal is to request the denial in writing and then appeal to Superior Court. That places an untenable burden upon the average citizen who wouldn’t know how to begin an appeal to Superior Court without hiring an attorney, an expense that makes an appeal unrealistic for most people. LD 1822’s proposal to establish a Public Access Ombudsman is the perfect solution to this dilemma. It would provide an easily accessible process that average citizens could use if their request for public records or open meetings was denied.

In addition, the League believes that one of the most important aspects of LD 1822 is the Public Access Ombudsman’s duty to make “[r]ecommendations concerning

¹ The full report is available at

<http://www.mfoic.org/AuditResults/2006/MFOIC%20audit%20report%202006.doc>

² Ibid, p.6. At town offices, auditors asked to view an accounting of all attorneys’ fees paid in 2005 and tax liens (not discharged) in effect on May 3.

³ Ibid. p.8.

⁴ 1 MRSA §409, “Appeals”

ways to improve public access to public records and proceedings.”⁵ By drawing on the type and severity of complaints received, the Ombudsman will be able to suggest systemic changes that will greatly increase the public’s ability to access to records and attend open meetings.

We urge you vote “ought to Pass” on LD 1822.

Ann Luther, President
League of Women Voters of Maine
May 9, 2007

⁵ Section 2.5 proposing the addition of: 5MRS §200-I (5)(G)