

## Maine Freedom of Information Coalition Activities

When Maine's Freedom of Access Act became law in 1959, the Legislature declared 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 the records of their actions be open to public inspection and their deliberations be conducted openly.*" Since that time, however, lawmakers have enacted hundreds of exceptions to the law, and implementation at the local level is sometimes lagging.

Major initiatives of the coalition for 2008 include:

1. MFOIC challenged all candidates for the Maine Senate and House of Representatives for the November 2008 election to sign the "**Coalition's Pledge**" to support open government and public access. The names of those signing the pledge are on the coalition website, [www.mfoic.org](http://www.mfoic.org).
2. This is the third year that the coalition has participated in the legislature's **Right to Know Advisory Committee**. Three members of MFOIC were represented on this committee in 2008, and the findings and recommendations are detailed in a report issued on January 10, 2009. The report can be accessed through [www.maine.gov/legis/opla](http://www.maine.gov/legis/opla) and is entitled "Third Annual Report of the RIGHT TO KNOW Advisory Committee".

Confidentiality issues discussed relate to a wide range of topics, and the list of continued exceptions is covered on pages 8-11 of the report. One initiative that made progress is the creation of an Ombudsperson position. That position has been endorsed by the Legislature, but has not yet been funded. Another issue that was discussed is the secrecy of jury lists, which potentially hides biases in jury selection as was public and press viewing juries in court. Names of jurors are confidential in Maine, but lists of jurors can be found, based on their receipt of payments for jury duty, which are public records. At present there is no "gag" on the press in publicizing the names of jurors.

The RTK Advisory Committee may hold public hearings throughout the state next year. The focus of these meetings would be the addition of language to the statutes to codify the issue of which meetings or panels are public. The committee continues to work through the rolling review of current statutes. The focus for 2009 will be inconsistencies, such as penalties. I have expressed concern from my review of the committee's notes about public release of personally identifying information due to the potential for identity fraud. In regards to training of personnel, municipal organizations, including the Maine Municipal Association, have been generally supportive, and officials have indicated a proactive response to the new training requirements.

In 2009, the Committee expects to take up teacher confidentiality issues, contracts of the Turnpike Authority, food safety and meat inspection, marine resource fisheries statistics, and "indexing" confidential files, especially in the Attorneys General's Office.

3. We are in the process of creating an **education outreach program** using actual scenarios for accessing public information. Former Attorney General Jim Tierney has agreed to participate in the project. The different situations will be graphically narrated on DVD that can be accessed by TV programs. The funding for this project came from the National Freedom of Information Coalition (NFOIC) and is specifically targeted for training of non-elected public officials regarding RTK laws and procedures. Possible uses are the creation of a library of curriculum materials and "on-line" courses/exams.

4. Motivation for open government is an important goal for MFOIC. The focus is on awards. An award was started in 2008 in conjunction with **Sunshine Week**, and there is the possibility of a *negative* award for an agency/individual trying to keep the public in the dark.

The Maine Freedom of Information Coalition includes media organizations, academicians, lawyers, like-minded individuals and public-policy groups such as the LWV of Maine. It is registered as a "non-profit" corporation with the Secretary of State and as a 501(c)(3) corporation with the IRS. My focus on this group seems to have developed into advocating for protection of the privacy rights of individuals, so that access to government records does not become a resource that identifies information such as age, address, income, or other potential sources for identity fraud or harassment.

- Ed Benedikt, LWVME representative to MFOIC  
and Brunswick Area League