

Prying Open the Door to Government

A resident of Moosejaw, Maine, goes to his town office and asks to see the property tax list. He is told that he cannot see it because it is confidential information. He knows that the property tax list is a public document that should be available for public inspection. How can he resolve this dilemma?

The city council of Deerpaw, Maine, routinely votes to go into executive session at the end of every council meeting. The council chair never announces the reason for the executive session, and the results of these "secret" meetings are never included in council minutes. Who's going to take the council to task for this illegal conduct?

Though the names of the towns are made up, the situations described are all too real. Addressing them and providing a means of resolution are the focus of a legislative package put forth this year by the Maine Right to Know Advisory Committee.

The Committee, formed by legislation in 2006 and given permanent status, is charged with serving as a resource for ensuring compliance with Maine's right to know law (1 MRSA, Ch. 13). Beginning with a roster of potential legislative initiatives that arose out of two prior temporary freedom of access study commissions, the Committee achieved unanimous support for a 2007 legislative package that, if approved, will serve two important purposes.

The first is to create an ombudsman position in the Attorney General's office to serve as a go-to resource for resolution of freedom-of-access disputes. Because this initiative has a price tag of some \$80,000 attached, its future is uncertain in the current budgetary climate; supporters are urging that the measure be carried over to next year.

The second part of the package would require all elected officials in Maine to complete a course of training on the requirements of the law relating to public records and open proceedings. Police agencies in Maine, which are currently required to undergo such training, report that it has had a beneficial effect by giving them a measure of certitude as to what are public records and what are not. Once this bill is reworked to provide some flexibility to towns and school boards in the manner of training, it is expected to pass with little opposition in the waning days of this legislative session.

One surprise on the right-to-know front in Maine was the introduction of a bill by Senate Minority Leader Carol Weston (R-Montville) that would require government bodies to respond to information requests within a specified time frame. Current law does not set a deadline for responses; it states only that citizens may inspect public documents "a reasonable period of time" after requesting to do so. The Senator sent an information request to the Governor's office, and, after a rather lengthy "reasonable period of time," got back only a letter acknowledging that her request had been received, but no indication of when she might see the documents she had requested. Unfortunately, municipal

officials have issues with the time frames set forth in the Weston bill, so it will likely be referred to the Right to Know Advisory Committee for discussion and revision.

Maine has made enormous strides in the reach and application of its Right to Know laws in recent years, thanks largely to the efforts of the **Maine Freedom of Information Coalition**, of which the League of Women Voters is a founding member. The Coalition, made up of media associations, citizens' groups, and others with an interest in open government, has conducted two successful statewide open-records audits and pressed for legislative changes that have, in theory, made Maine a leader in the right-to-know arena. Unfortunately, the practice doesn't always follow the theory. If it's approved by the legislature this year, the training requirement alone should go a long way toward ensuring that public officials pay more than lip service to the public's right of access to government operations.

*Suzanne D. Goucher
President & CEO, Maine Association of Broadcasters
Member, Maine Right to Know Advisory Committee*