

**PROPOSED DISCUSSION DRAFT TO
AMEND FOAA PAYMENT OF COSTS PROVISION:
Reflects discussion at Nov. 20 meeting**

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

8. Payment of costs. Except as otherwise specifically provided by law or court order, an agency or official having custody of a public record may charge fees for public records as follows.

A. The agency or official may charge a reasonable fee to cover the cost of copying.

B. The agency or official may charge a fee to cover the actual cost of searching for, retrieving and compiling the requested public record as follows, of not more than \$15 per hour after the first hour of staff time per request. Compiling the public record includes reviewing and redacting confidential information.

(1) The agency or official may not charge a fee for the first 2 hours of staff time per request.

(2). After the first 2 hours of staff time, the agency or official may charge a fee of not more than \$25 per hour.

C. The agency or official may charge for the actual cost to convert a public record into a form susceptible of visual or aural comprehension or into a usable format.

D. An agency or official may not charge for inspection unless the public record cannot be inspected without being compiled or converted, in which case paragraph B or C applies.

E. The agency or official may charge for the actual mailing costs to mail a copy of a record.

F. An agency or official may require payment of all costs before the public record is provided to the requester.

Sec. 2. **1 MRSA §408-A, sub-12** is enacted to read:

12. Retention of fees or costs. An agency may retain any fees or costs charged under this section.

SUMMARY

This draft makes the following changes.

1. It extends the time period for which an agency or official may not charge a fee for searching for, retrieving and compiling a requested public record from the first hour of staff time per request to the first 2 hours of staff time per request.
2. It increases the fee that may be charged after the first 2 hours of staff time per request for searching for, retrieving and compiling a requested public record from not more than \$15 per hour to not more than \$25 per hour.
3. It specifies that an agency may retain any fee or cost charged.