



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

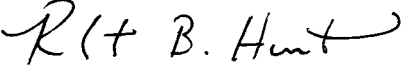
No. 1399

H.P. 921

House of Representatives, April 1, 2025

**An Act to Allow Action Against a Person Violating the
Confidentiality of an Executive Session of a Public Body or Agency**

Reference to the Committee on Judiciary suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative CARLOW of Buxton.
Cosponsored by Representatives: DODGE of Belfast, HAGGAN of Hampden, MURPHY of
Scarborough.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 1 MRSA §405, sub-§6, ¶A**, as amended by PL 2009, c. 240, §2, is further
3 amended by amending subparagraph (1) to read:

4 (1) An executive session may be held only on a matter under subsection 7 or if
5 public discussion could be reasonably expected to cause damage to the individual's
6 reputation or the individual's right to privacy would be violated;

7 **Sec. 2. 1 MRSA §405, sub-§7** is enacted to read:

8 **7. Violation of confidentiality of executive session matter.** A member of a body or
9 agency falling within this subchapter or any other person attending an executive session
10 may not disclose a matter, including discussion, underlying facts or information regarding
11 the matter discussed in the executive session under subsection 4 without the approval of a
12 recorded vote of 3/5 of the members present and voting. If an allegation of a violation of
13 confidentiality under this subsection or otherwise unauthorized disclosure of a matter
14 discussed in an executive session is made, the body or agency may conduct the following
15 procedure:

16 A. By recorded vote of a majority of the members present and voting, initiate an
17 investigation of the allegation;

18 B. Form an ethics committee composed of members to conduct the investigation, the
19 underlying facts, discussion and findings of which are confidential;

20 C. Conduct a hearing to adjudicate the allegation, which must be held in executive
21 session pursuant to subsection 6, paragraph A; and

22 D. If, by a preponderance of the evidence at the hearing under paragraph C, the body
23 or agency determines that a member or other person present at an executive session
24 violated the confidentiality provision of this subsection, prohibit, by a recorded vote of
25 2/3 of the members present and voting, the member or other person found in violation
26 of this subsection from:

27 (1) Participating in a future executive session;

28 (2) Having access to confidential information; or

29 (3) Having access to information or attending an executive session regarding a
30 specific matter in which the body or agency determines that the member or other
31 person has a conflict of interest.

32 A prohibition under this paragraph may be for a definite or indefinite period.

33 The member or other person prohibited from attending an executive session or having
34 access to information under this paragraph may appeal the decision to the body or
35 agency immediately after the decision is made and every 30 days thereafter.

36 A decision made by the body or agency under this paragraph may be appealed to the
37 Superior Court.

38 A decision by the body or agency under this paragraph may be rescinded by a recorded
39 vote of 2/3 of the members present and voting or upon the expiration of the terms of
40 2/3 of the members who participated in the vote under this paragraph.

SUMMARY

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This bill allows a body or agency subject to the provisions of the law regarding public records to prohibit a member of the body or agency or other person attending an executive session from attending future executive sessions or having access to confidential or other certain information if that member or other person has been found after a hearing by the body or agency that the member or other person violated the confidentiality of the executive session or otherwise disclosed information regarding an executive session without approval by the body or agency.