

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 1214 - L.D. 1813

**An Act to Implement the Recommendations of the Right to Know Advisory
Committee Concerning State Boards and Commissions**

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

Sec. 1. 1 MRSA §412, as amended by PL 2021, c. 313, §§5 to 7, is further amended to read:

**§412. Public records and proceedings training for certain officials, board members
and public access officers**

1. Training required. A public access officer, a board member and an official subject to this section shall complete a course of training on the requirements of this chapter relating to public records and proceedings. The official, board member or public access officer shall complete the training not later than the 120th day after the date the official or board member assumes the person's duties as an official or board member or the person is designated as a public access officer pursuant to section 413, subsection 1.

2. Training course; minimum requirements. The training course under subsection 1 must be designed to be completed by an official, a board member or a public access officer in less than 2 hours. At a minimum, the training must include instruction in:

- A. The general legal requirements of this chapter regarding public records and public proceedings;
- B. Procedures and requirements regarding complying with a request for a public record under this chapter; and
- C. Penalties and other consequences for failure to comply with this chapter.

An official, a board member or a public access officer meets the training requirements of this section by conducting a thorough review of all the information made available by the State on a publicly accessible website pursuant to section 411, subsection 6, paragraph C regarding specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. To meet the requirements of this subsection, any other training course must include all of this information and may include additional information.

3. Certification of completion. Upon completion of the training course required under subsection 1, the official, board member or public access officer shall make a written or an electronic record attesting to the fact that the training has been completed. The record must identify the training completed and the date of completion. The official or board member shall keep the record or file it with the public entity to which the official or board member was elected or appointed. A public access officer shall file the record with the agency or official that designated the public access officer.

4. Application. This section applies to a public access officer and the following officials:

- A. The Governor;
- B. The Attorney General, Secretary of State, Treasurer of State and State Auditor;
- C. Members of the Legislature elected after November 1, 2008;
- E. Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate and budget committee members of county governments;
- F. Municipal officers; municipal clerks, treasurers, managers or administrators, assessors and code enforcement officers and deputies for those positions; and planning board members and budget committee members of municipal governments;
- G. Superintendents, assistant superintendents and school board members of school administrative units; ~~and~~
- H. Officials of a regional or other political subdivision who, as part of the duties of their offices, exercise executive or legislative powers. For the purposes of this paragraph, "regional or other political subdivision" means an administrative entity or instrumentality created pursuant to Title 30-A, chapter 115 or ~~chapter~~ 119 or a quasi-municipal corporation or special purpose district, including, but not limited to, a water district, sanitary district, hospital district, school district of any type, transit district as defined in Title 30-A, section 3501, subsection 1 or regional transportation corporation as defined in Title 30-A, section 3501, subsection 2; ~~and~~
- I. Members of a board or commission established under Title 5, chapter 379, referred to in this section as "board members."

Sec. 2. 1 MRSA §413, sub-§1, as amended by PL 2015, c. 317, §2, is further amended to read:

1. Designation; responsibility. Each agency, county, municipality, board or commission established under Title 5, chapter 379, school administrative unit and regional or other political subdivision shall designate an existing employee as its public access officer to serve as the contact person for that agency, county, municipality, board or commission, school administrative unit or regional or other political subdivision with regard to requests for public records under this subchapter. The public access officer is responsible for ensuring that each public record request is acknowledged within 5 working days of the receipt of the request by the office responsible for maintaining the public record requested and that a good faith estimate of when the response to the request will be complete is provided according to section 408-A. The public access officer shall serve as a resource within the agency, county, municipality, board or commission, school administrative unit and regional or other political subdivision concerning freedom of access

questions and compliance. The public access officer may serve as the contact person for more than one board or commission if the boards or commissions are within the same office or agency.

Sec. 3. 1 MRSA §413, sub-§2, as enacted by PL 2011, c. 662, §8, is amended to read:

2. Acknowledgment and response required. An agency, county, municipality, board or commission established under Title 5, chapter 379, school administrative unit and regional or other political subdivision that receives a request to inspect or copy a public record shall acknowledge and respond to the request regardless of whether the request was delivered to or directed to the public access officer.