



STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0023

PAUL R. LEPAGE
GOVERNOR

WILLIAM H. BEARDSLEY
ACTING COMMISSIONER

TO: Members of the Right to Know Advisory Committee

FROM: Debra Plowman, Director of Policy, Department of Education

DATE: November 5, 2015

SUBJECT: (Ref # 43) 20-A MRSA §13004, sub-§2-A

Thank you for the opportunity to comment on the provisions contained in Title 20-A MRSA Section 13004(2-A).

Section 13004(2-A) has been confusing from the outset. As written it seems to prohibit exactly the actions that it was designed to allow. Legal Counsel for the Department and the Department of Education (DOE) employees both share frustrations in trying to sort this out.

The following contains comments from Assistant Attorney General (AAG) Sarah Forster and are submitted to the RTKAC by the Department:

“First, subpart A of this section declares the documents which support a potential certification action (complaints, responses, investigative materials) to be confidential. Then, in subpart B, it purports to make some of that information subject to limited disclosure for specific purposes, but maintains confidentiality for information designated confidential under Sections 6101 and 6103. Section 6103 is criminal history records information, and Section 6101 is essentially any information about a certificate holder other than directory information in the possession of a school administrative unit to which the Department is specifically allowed access in Section 6101(3). Simply put: these two exceptions obliterate the rule.

My understanding from Certification Legal Counsel is that without the ability to disclose that information, Sections (B)(2) and (B)(3) – the ability to share information nationally with other educator certification units in other states – are rendered meaningless. I recall from my brief involvement in the 2009 work on this change in the law that the Department was motivated by the desire to be able to participate fully in these interstate exchanges and was afraid that if Maine could not share this information, we would not be able to receive information from other states.

Also, subsection (B)(1) makes no sense, since both 6101 and 6103 are intended to make the information available to the Department to perform certification investigations – so that subsection is either redundant, or hopelessly circular.

I would advise you to ask the Committee to work with the Department to get this section straightened out so that it can either be used as intended, or eliminated. As written, I’m just not sure what it does.”

Question 1:

Please describe your agency's experience in administering or applying this public records exception. Please include a description of the records subject to the exception, an estimate of the frequency of its application, and an estimate of how frequently the exception is cited in denying a request for production of records (whether the denial occurs in response to an FOA request or in administrative or other litigation).

In partial response to Question 1: The Department has wrestled with this quite a bit this year as different parties attempt to FOAA information on the certification of an educator or educators, including the endorsements an educator may hold, and sometimes the date of the SBI report issued for certification or recertification purposes. Other requests have come from commercial sources with an eye towards reaching out to educators with a unique certification such as school psychologists. There has been a level of frustration expressed by community members that they cannot ascertain whether a local educator has an endorsement in the area they are teaching.

Question 2:

Please state whether your agency supports or opposes continuation of this exception, and explain the reasons for that position.

Response: Returning to the comments above, the Department cannot urge the continuation of the policy as written.

Question 3:

Please identify any problems that have occurred in the application of this exception. Is it clear that the records described are intended to be confidential under the FOA statutes? Is the language of the exception sufficiently clear in describing the records that are covered?

Response: See above comments from AAG Sarah Forster

Question 4:

Does your agency recommend changes to this exception?

Response: Yes. The statute needs not only clarification, but needs to be written to reflect the policy objective of fully participating in the sharing of certification information in interstate exchanges, creating the reciprocity necessary to participate.

Question 5:

Please identify stakeholders whose input should be considered in the evaluation of this exception, with contact information if that is available.

Response: Stakeholders: Sarah Forster, AAG at Sarah.Forster@maine.gov, Suzan Beaudoin, DOE, Suzan.Beaudoin@maine.gov; Katherine.Hollicker@maine.gov, and Debra.Plowman@maine.gov.

Question 6:

Please provide any further information that you believe is relevant to the Advisory Committee's review.

Response: Please see above.

Thank you again for the opportunity to comment. The Department looks forward to working with you on this issue. If you have any questions, please contact me at 207-624-6614 or debra.plowman@maine.gov.

**Maine Revised Statutes
Title 20-A: EDUCATION**

Chapter 501: CERTIFICATION AND REGISTRATION OF TEACHERS

§13004. LIST OF PERSONS CERTIFIED; RECORDS CONFIDENTIAL

1. Records. The commissioner shall keep a list of certified teachers. This list shall be a public record. The commissioner shall send copies of the list to school boards and superintendents on their request.

[1981, c. 693, §§5, 8 (NEW) .]

2. Records confidential. Transcripts, recommendations and other documents submitted in support of an application for certification or collected by the department for verification of certification records and maintained in the office of the commissioner shall be confidential. They may only be made available to the following:

A. School boards and superintendents; [1981, c. 693, §§5, 8 (NEW) .]

B. Authorized personnel of the department in fulfilling assigned duties; and [1981, c. 693, §§5, 8 (NEW) .]

C. Individuals and their representatives who request to examine their own records. [1981, c. 693, §§5, 8 (NEW) .]

[1983, c. 806, §92 (AMD) .]

2-A. Confidentiality. The provisions of this subsection govern confidentiality. For the purposes of this subsection, the term "certification" means certification, authorization or approval under this chapter and chapter 502.

A. Complaints and responses pursuant to section 13020 and any other information or materials that may result in an action to deny, revoke or suspend certification are confidential, except when submitted in court proceedings to revoke or suspend certification. [2009, c. 331, §1 (NEW) .]

B. ~~Except for information designated confidential under section 6101 or section 6103, information~~ Information designated confidential under paragraph A may be released ~~or used by the department as~~ necessary to:

(1) ~~Complete its own investigations;~~

(2) (1) Provide information to a national association of state directors of teacher education and certification to which the State belongs;

(3) (2) Assist other public authorities to investigate the same teacher's certification in another jurisdiction;

(4) (3) Report or prevent criminal misconduct or assist law enforcement agencies in their investigations; or

(5) (4) Report child abuse or neglect under Title 22, section 4011-A. [2009, c. 331, §1 (NEW) .]

C. The department may publish and release as public information statistical summaries of complaints and dispositions as long as the release of such information does not jeopardize the confidentiality of individually identifiable information. [2009, c. 331, §1 (NEW) .]

D. Notwithstanding paragraph A, the following information concerning final written decisions relating to disciplinary action taken by the commissioner against a person holding certification is a public record:

- (1) The name of the person;
- (2) The type of action taken, consisting of denial, revocation, suspension, surrender or reinstatement;
- (3) The grounds for the action taken;
- (4) The relevant dates of the action;
- (5) The type of certification and endorsements held, including relevant dates;
- (6) The schools where the person was or is employed; and
- (7) The dates of employment. [2009, c. 567, §10 (NEW) .]

[2009, c. 567, §10 (AMD) .]

2-B. Teacher addresses. Home addresses held by the department of teachers certified to teach in the State may be made available in response to the following:

A. Formal request from a commissioner or chief executive officer of other state agencies, including the judicial branch when access to that information may be necessary in carrying out an official function; and [1987, c. 395, Pt. A, §86 (NEW) .]

B. Formal request by majority vote of any joint standing committee of the Legislature when access to that information may be necessary in carrying out an official function. [1987, c. 395, Pt. A, §86 (NEW) .]

The use of these addresses by any other agency or department of government to which they may be furnished shall be limited to the purposes for which they are furnished and by the law under which they may be furnished. It shall be unlawful for any person to solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving assistance, directly or indirectly, derived from the records, papers, files or communications of the State or subdivisions or agencies, or acquired in the course of the performance of official duties. Any person violating this subsection shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

[1987, c. 395, Pt. A, §86 (NEW) .]

3. Duplication costs. Individuals requesting copies of their records shall bear the costs of copying them.

[1981, c. 693, §§5, 8 (NEW) .]

4. Rules. The state board may adopt rules to carry out this section.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 470, §11 (AMD). 1983, c. 806, §92 (AMD). 1987, c. 395, §A86 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 666, §1 (AMD). 2009, c. 331, §1 (AMD). 2009, c. 567, §10 (AMD).

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Remote Participation Survey Responses

Question	YES	NO
1. Should remote participation be available to elected officials?	4	3
2. Should remote participation be available to members of a public body with statewide jurisdiction?	6	1
3. Should remote participation be available to members of a public body with less than statewide jurisdiction?	6	1
4. Should a member's ability to participate remotely be contingent upon the occurrence of a specified event? (An amendment to LD 1241, currently in the Judiciary Committee, would require either: (1) illness of the member; (2) weather that makes driving hazardous; or (3) unexpected traffic delays or vehicle breakdowns when the member is traveling to the meeting.)	5	2
5. Should remote participation be permitted in quasi-judicial proceedings?	3	4
6. If a member is permitted to participate remotely in a quasi-judicial proceeding, should the member participating remotely be allowed to vote?	3	4
7. Should a quorum be required to be physically present at the noticed meeting location?	5	2
8. Should a member be permitted to participate remotely only if participation by that member is needed for a quorum?	1	6
9. If members of a body are permitted to participate remotely, should they be allowed to participate remotely in executive sessions of the body?	5	2
10. Should remote participation in executive sessions be permitted if the language from LD 1809 is included, specifically addressing the circumstances under which the executive session may be conducted to ensure privacy?	5	2

**Note: Many YES/NO answers were qualified on other conditions being met*

Comparison of Past Remote Participation Bills and Amendments

	LD 258	LD 1809	LD 1809 (CA)	LD 1241	LD 1241 (CA)
1. Which bodies may use remote participation	A body subject to FOAA	A public body of a municipality, quasi-municipal entity or school administrative unit, unless composed of elected members	A governing body of a quasi-municipal corporation or district that provides water, sewer or sanitary services	The Maine Governmental Facilities Authority, the Maine Health and Higher Education Facilities Authority, the Maine State Housing Authority and the Maine Municipal Bond Bank	The Maine Governmental Facilities Authority, the Maine Health and Higher Education Facilities Authority, the Maine State Housing Authority and the Maine Municipal Bond Bank
2. Voting	A member not physically present at a judicial or quasi-judicial proceeding may not vote on any issue concerning testimony or other evidence provided during the proceeding	A member not physically present at a judicial or quasi-judicial proceeding may not vote on any issue concerning testimony or other evidence provided during the proceeding	A member not physically present may vote in all proceedings except quasi-judicial proceedings. A member not physically present may participate in a quasi-judicial proceeding through combined audio and video means.	[No explicit language regarding voting]	[No explicit language regarding voting]
3. Quorum requirements	A quorum must be physically present at the noticed meeting location unless: an emergency has been declared, the meeting is necessary to address the emergency and the body otherwise complies with other requirements to the extent practicable	A quorum must be physically present at the noticed meeting location unless: an emergency has been declared, the meeting is necessary to address the emergency and the body otherwise complies with other requirements to the extent practicable; or the body is expressly authorized by statute	A quorum must be physically present at the noticed meeting location unless: an emergency has been declared, the meeting is necessary to address the emergency and the body otherwise complies with other requirements to the extent practicable; or the body is expressly authorized by statute	A quorum does not need to be physically present at the noticed meeting location	A quorum does not need to be physically present at the noticed meeting location

	LD 258	LD 1809	LD 1809 (CA)	LD 1241	LD 1241 (CA)
4. Reasons for public body member's physical absence	The adopted written policy may establish circumstances under which a member may participate when not physically present	The adopted policy must establish criteria that must be met before a member may participate when not physically present	The adopted policy must establish criteria that must be met before a member may participate when not physically present	A member may participate while not physically present only when the member's attendance is not reasonably practicable. The reason for the absence must be stated in the minutes of the meeting.	A member may participate while not physically present only if the member is needed for a quorum; or attendance is not reasonably practical because of illness, weather that makes driving hazardous, or unexpected traffic delays or vehicle breakdowns when the member is traveling to the meeting
5. Executive sessions	Requirements of statute and the adopted written policy apply in open meetings and executive sessions	The adopted written policy may allow a member to participate remotely in an executive session, but must specifically address the circumstances to ensure privacy	The adopted written policy may not allow a member to participate remotely in an executive session	[No explicit language regarding remote participation in executive sessions]	Any executive session may include only members who are physically present at the noticed meeting location
6. Terms governing use of remote participation	A written policy adopted by the body that meets the statutory requirements	A written policy adopted by the body that meets the statutory requirements	A written policy adopted by the body that meets the statutory requirements	Statutory authorization	Statutory authorization
7. Authorized means of remote participation	Through telephonic, video, electronic or other similar means of communication	Through telephonic, video, electronic or other similar means of communication	Through combined audio and video means of communication	By telephonic, video, electronic or other similar means of communication	By telephonic, video, electronic or other similar means of communication

	LD 258	LD 1809	LD 1809 (CA)	LD 1241	LD 1241 (CA)
8. Audio/visual requirements	Members of the body must be able to hear and speak to all other members; members of the public in the noticed meeting location must be able to hear all members participating from other locations.	Members of the body must be able to hear and speak to all other members; members of the public in the noticed meeting location must be able to hear all members participating from other locations. Information presented in a visual format must be able to be seen by all members or be distributed to members before or during the proceeding; materials made available at the meeting may be transmitted to members not present if the technology is available.	Members of the body must be able to hear and speak to all other members; members of the public in the noticed meeting location must be able to hear all members participating from other locations. Information presented in a visual format must be able to be seen by all members or be distributed to members before or during the proceeding; materials made available at the meeting may be transmitted to members not present if the technology is available.	Members of the body must be able to hear and speak to all other members; members of the public in the noticed meeting location must be able to hear all members participating from other locations. Members must receive documents and materials discussed at the proceeding prior to the meeting; materials made available at the meeting may be transmitted to members not present if the technology is available.	Members of the body must be able to hear and speak to all other members; members of the public in the noticed meeting location must be able to hear all members participating from other locations. Members must receive documents and materials discussed at the proceeding prior to the meeting; materials made available at the meeting may be transmitted to members not present if the technology is available.
9. Annual meeting	If a body conducts one or more meetings with members participating remotely, it must also hold at least one public meeting annually where no members participate remotely	If a body conducts one or more meetings with members participating remotely, it must also hold at least one public meeting annually where no members participate remotely	If a body conducts one or more meetings with members participating remotely, it must also hold at least one public meeting annually where no members participate remotely	[No requirement]	[No requirement]

Sec. 1. 1 MRSA §403-A is enacted to read:

§403-A. Public proceedings through other means of communication

1. Requirements. A body subject to this subchapter may conduct a public proceeding during which a member of the body participates in the discussion or transaction of public or governmental business through telephonic, video, electronic or other similar means of communication only if the following requirements are met:

A. The body has adopted a written policy that authorizes a member of the body who is not physically present to participate in a public proceeding through

telephonic, video, electronic or other similar means of communication in accordance with this section.

OR

combined audio and video means of communication in accordance with this section.

The policy may establish circumstances under which a member may participate when not physically present.

OR

The policy must establish criteria that must be met before a member may participate when not physically present.

If the policy allows a member who is not physically present to participate in an executive session, the policy must specifically address the circumstances under which the executive session may be conducted to ensure privacy;

OR

The policy may not allow a member who is not physically present to participate in an executive session;

B. Notice of the public proceeding has been given in accordance with section 406;

C. Except as provided in subsection 3, a quorum of the governing body is assembled physically at the location identified in the notice required by section 406;

D. Each member of the body participating in the public proceeding is able to hear all the other members and speak to all the other members during the public proceeding, and members of the public attending the public proceeding in the location identified in the notice required by section 406 are able to hear all members participating from other locations;

[No additional language regarding ability of members participating remotely to view visual materials as they are presented or receive them before or during the proceeding]

OR

If documents or materials that include pictures, graphs, illustrations or other information presented in a visual format are part of the discussion, either the communications technology used must ensure that all members can see the documents and materials while the documents and materials are being discussed or the documents and materials must be provided to all members not physically present before or during the proceeding;

E. Each member who is not physically present and who is participating through telephonic, video, electronic or other similar means of communication identifies the persons present at the location from which the member is participating;

F. All votes taken during the public proceeding are taken by roll call vote; and

G. Each member who is not physically present and who is participating through telephonic, video, electronic or other similar means of communication has received prior to the public proceeding any documents or other materials that will be discussed at the public proceeding, with substantially the same content as those documents actually presented. Documents or other materials made available at the public proceeding may be transmitted to the member not physically present during the public proceeding if the transmission technology is available. Failure to comply with this paragraph does not invalidate the action of a body in a public proceeding.

2. Voting; judicial or quasi-judicial proceeding. A member of a body who is not physically present and who is participating in a judicial or quasi-judicial public proceeding through telephonic, video, electronic or other similar means of communication may not vote on any issue concerning testimony or other evidence provided during the judicial or quasi-judicial public proceeding.

[No additional language regarding quasi-judicial proceedings]

OR

For the purposes of this subsection, "quasi-judicial proceeding" means a proceeding in which the governing body is obligated to objectively determine facts and draw

conclusions from the facts so as to provide the basis of an official action when that action may affect the legal rights, duties or privileges of specific persons.

3. Exception to quorum requirement. A body may convene a public proceeding by telephonic, video, electronic or other similar means of communication without a quorum under subsection 1, paragraph C if:

A. An emergency has been declared in accordance with Title 22, section 802, subsection 2-A or Title 37-B, section 742;

B. The public proceeding is necessary to take action to address the emergency; and

C. The body otherwise complies with the provisions of this section to the extent practicable based on the circumstances of the emergency.

OR

A. An emergency has been declared in accordance with Title 22, section 802, subsection 2-A or Title 37-B, section 742;

(1) The public proceeding is necessary to take action to address the emergency; and

(2) The governing body otherwise complies with the provisions of this section to the extent practicable based on the circumstances of the emergency; or

B. The governing body is expressly authorized by its governing statute to convene a public proceeding by combined audio and video means of communication with less than a quorum of the body assembled physically at the location identified in the notice required by section 406.

4. Annual meeting. If a body conducts one or more public proceedings pursuant to this section, it shall also hold at least one public proceeding annually during which members of the body in attendance are physically assembled at one location and where no members of the body participate by telephonic, video, electronic or other similar means of communication from a different location.

**Records Retention and Management
Report to the Government Oversight Committee
April 2015
Status of Recommendations as of September 2015**

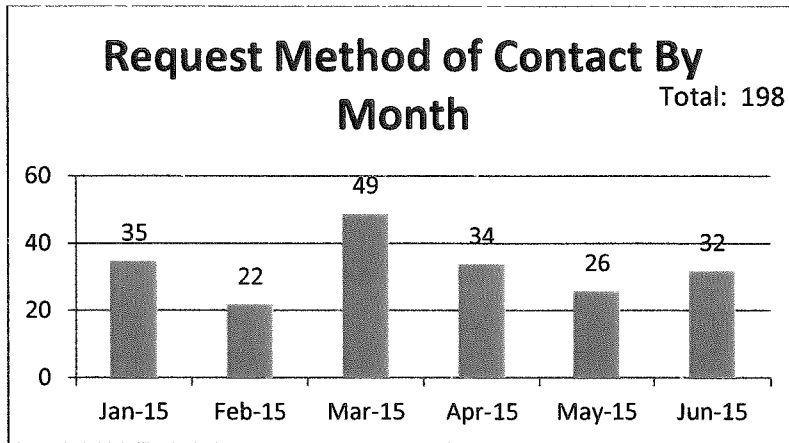
Legend for Status: <input type="checkbox"/> Not started, <input type="checkbox"/> Minor progress, <input type="checkbox"/> Significant progress, <input type="checkbox"/> Completed	Lead	Status	Finish
Improved Guidance & Model Policies	Secretary of State/ Archives	Minor progress	2015-2016 or ongoing
<input type="checkbox"/> Archives convene stakeholder group, including representatives of State agencies and other interested groups, to review and update general retention schedules as they apply to draft documents, and develop guidance on agency retention requirements for draft or working documents, with a report back to GOC <input type="checkbox"/> Archives issue policy directives and bulletins on quarterly basis	Archives	Minor progress	Ongoing
Records Retention Schedules	Government Oversight Committee	Minor progress	2015-2016
<input type="checkbox"/> GOC should consider, with input from interested persons, changes to the Archives Advisory Board, including appointing members with expertise in the administrative, fiscal, legal and historical value of records; creating separate review subcommittees for local records and historical archive issues; and ensuring timely renewals or changes to appointments. <input type="checkbox"/> GOC should consider, with input from interested persons, clarifying the schedule approval process so that the roles of the Archives and the Archives Advisory Board are clearer; this may require legislative action <input type="checkbox"/> Agencies and Archives should increase the number of schedule reviews done each year	Government Oversight Committee	Minor progress	2015-2016
Agency Records Officers	Agencies and Archives	Minor progress	2016 then annually
<input type="checkbox"/> As part of the annual review of schedules, each agency should submit to Archives the names of their records officers and assistants <input type="checkbox"/> Archives should identify records officers and assistants gaps or recommended additions and notify each agency <input type="checkbox"/> Archives should insist that they will not accept records from or release records to an agency without an assigned records officer	Agencies	Minor progress	2016 then annually
	Agencies	Significant progress	2015 then annually
	Archives	Not started	2015

Recommendation	Lead	Status	Finish
Training & Accountability			
<input type="checkbox"/> Archives issue minimum standards for records management training	Archives	Completed	2015
<input type="checkbox"/> Archives develop an online training tool	Archives	Significant progress	2015
<input type="checkbox"/> Bureau of Human Resources include records management as a required topic in the new employee orientation presentation	Bureau of Human Resources	Not started	2016 then ongoing
<input type="checkbox"/> Agencies partner with Archives to deliver appropriate records management training customized for individual agencies	Agencies/ Archives	Minor progress	2016 then ongoing
<input type="checkbox"/> All continuing personnel complete the agency records management training annually	All personnel	Minor progress	2016 then annually
<input type="checkbox"/> Archives notify agencies of enhanced website resources for answering questions	Archives	Significant progress	2015
<input type="checkbox"/> Agencies direct employee questions to records officers and Archives	Agencies	Minor progress	Ongoing
<input type="checkbox"/> Once clear and updated retention schedules are established and adequate training is implemented, the agencies could consider a plan for an employee records management performance expectation	Agencies	Not started	2016 then ongoing
Oversight & Compliance			
<input type="checkbox"/> Agencies implement internal controls that provide reasonable assurance that their programs comply with all state records management laws and regulations	Agencies	Not started	2016 then ongoing
<input type="checkbox"/> Annual agency review of records management program	Agencies	Not started	2016 then annually
<input type="checkbox"/> Periodic Archives inspection of agency records management program scheduled on rotating basis and include recommendations for improvements	Archives	Minor progress	2016 then annually
<input type="checkbox"/> Agencies establish specific performance goals and measures for their records management program based on outcome of reviews and inspections	Agencies	Not started	2016 then annually
Freedom of Access Act Request Costs	Public		
<input type="checkbox"/> Refer the issue of Freedom of Access Act request costs to the Right to Know Advisory Committee (RTKAC) for review and proposals	Ombudsman and RTKAC	Significant progress	2015-2016

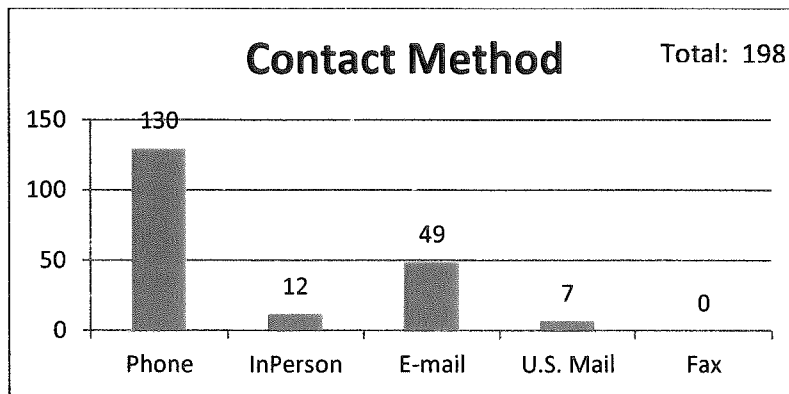
Public Access Ombudsman Mid-year Data Summary 2015

One of the functions of the ombudsman is to track data about Freedom of Access complaints and inquiries. This mid-year update provides a brief outline of the data for the first half of calendar year 2015.

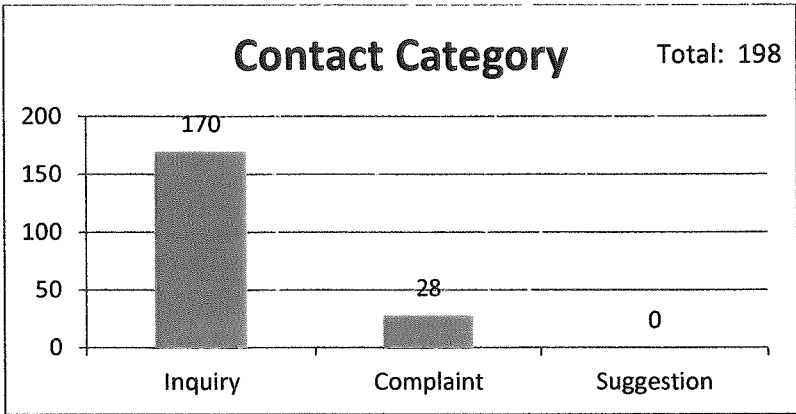
The total contacts are **198**. For comparison, the total yearly contacts were **303** for 2013 and **370** for 2014. The monthly totals for January through June are listed below. Although these numbers fluctuate throughout the months, based on the mid-year amount it is possible that the total yearly contacts for 2015 will exceed 2014 and continue the upward trend.



The telephone continues to be the primary method of contact with the ombudsman.

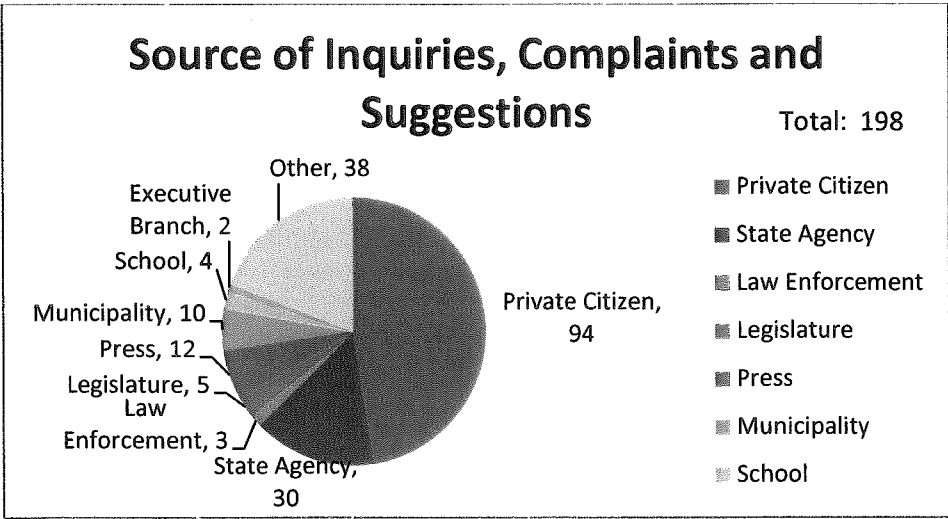


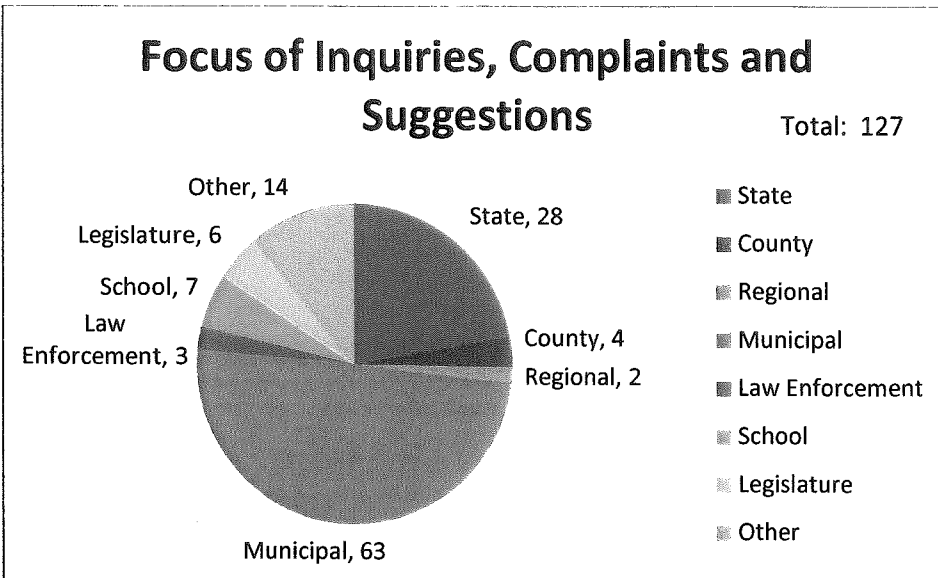
Inquiries continued to form most of the contacts. Contacts that were characterized as complaints involved a substantial controversy between the parties with specific relief or remedy sought by the complainant.



Of the contacts concerning public records (171) the most common questions involved the basis for a denial, inspection of electronic records, fees and undue delay.

Of the contacts concerning public meetings (36) the most common questions involved the use of executive session and what constitutes a meeting.





As was the case in 2013 and 2014, the bulk of contacts were telephone inquiries from private citizens about public records held by municipal government agencies.



MATTHEW DUNLAP
SECRETARY OF STATE

STATE OF MAINE
OFFICE
OF THE
SECRETARY OF STATE

**Interim Report to the
Joint Standing Committee on Government Oversight
Regarding Compliance with Public Records Laws**

Office of the Secretary of State

September 8, 2015

Senator Katz, Representative Kruger and distinguished members of the Committee on Government Oversight; my name is Matt Dunlap and I am the Secretary of State for the State of Maine. Since we last met on the issue of records management and public records, I am pleased to report that significant progress has been made, and although a significant amount of work remains to be done, the work itself is taking shape.

Attached to this summary are the minutes of the first stakeholder group meeting, which was convened at the State Archives on August 4th. To be sure, we had intended to convene a second meeting before now, but late summer scheduling is tricky. We hope to schedule that meeting soon.

I am particularly grateful for the assistance and energy of Eric Stout of the Office of Information Technology, who has provided administrative and technical assistance in the work of the stakeholder group.

The stakeholder group is an eclectic and broad-ranging group representing all three branches of state government and beyond, and is made up of myself; Dave Cheever, state archivist; Tammy Marks, director of the archives; Donna Grant, deputy secretary of state for information services; Kristen Muszynski, director of communications for the secretary of state's office; Brenda Kielty, public access ombudsman for the attorney general; Grant Pennoyer, executive director of the Legislature; John Barden, director of the legislative law and reference library; Kevin Dieterich, director of information technology for the Legislature; David Packard, chief information officer for the courts; Greg McNeal, chief technology officer for the Office of Information Technology; Eric Stout, who is staffing the stakeholder group from the Office of Information Technology; and Howard Lowell, late of the National Archives and Records Administration.

The discussion at the first meeting was reflective of any number of dialogues I've been a party to regarding public records, records management, archiving and public access—in the broadest sense, the tasks involved are so immense as to seem overwhelming. The changing nature of records and the vast, exponential growth in the production of information that is part of the public trust was and never has been envisioned by traditional archiving and records management practices.

The nature and future of the work summarized in the minutes, which reflect the nature of the August 4th discussion, is to better understand what the role of the Archives Advisory Board currently is, what it should be, and what aspects of archives and records management it should focus its work on. Such a review, it should come as no surprise to you given the nature of your work, probably should have been undertaken not once but several times over the last few decades. The fact that it is only happening now informs the enormity of the task. We anticipate that some aspects of the recommendations will probably include amendments to the statute, which we will be recommending later this fall.

Parallel to this work, we have been engaged in a long-term and thorough review of the Archives itself; how internal and external communications can be enhanced, and to distill training towards best practices in records management to better serve our colleagues in the Legislative, Executive and Judicial branches as we stand accountable to the public in our work.

To that end, Tammy Marks reported last week that in the first day of registrations for training on records management policies and schedules that some twenty-six records officers across state government had registered for the training, and that several offices have requested on-hands training in their own environments. This is a welcome development, and reflects on the high profile of the issues of records management raised by this committee.

I am happy to entertain any questions you may have at this time, at the pleasure of the Chairs.