

**Right to Know Advisory Committee
Improve FOAA Subcommittee**

PROPOSED DRAFT TO AMEND FOAA WAIVER PROVISION
Not approved; suggested language based on discussion at Dec. 4th meeting

Sec. 1. **1 MRSA §408-A, sub-§11** is amended to read:

11. Waivers. The agency or official having custody or control of a public record subject to a request under this section may waive part or all of the total fee charged pursuant to subsection 8 if:

A. The requester is indigent; or

B. The agency or official considers release of the public record requested to be in the public interest because doing so is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. If an agency or official denies a request for a waiver of part or all of the total fee charged based on a determination that the release of the public record does not meet the standard set forth in this paragraph, the agency or official shall provide written notice of the denial and state the reason for the denial of the waiver prior to proceeding with the request.

SUMMARY

This draft amends the provision authorizing an agency or official having custody or control of a public record subject to a request to waive part or all of the total fee. The draft requires that, if an agency or official denies a request for a waiver, the agency or official must provide written notice of the denial and state the reason for the denial of the waiver