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An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Penalties for Violations of the Freedom of Access Act

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

Sec. 1. 1 MRSA §410, as repealed and replaced by PL 1987, c. 477, §6, is repealed and the following enacted in its place:

§ 410. Violations

1. Civil violation. An officer or employee of a state government agency or local government entity who willfully violates this subchapter commits a civil violation.

2. Penalties. A state government agency or local government entity whose officer or employee commits a civil violation described in subsection 1 is subject to:

A. A fine of not more than \$500 for a civil violation described in subsection 1;

B. A fine of not more than \$1,000 for a civil violation described in subsection 1 that was committed not more than 4 years after a previous adjudication of a civil violation described in subsection 1 by an officer or employee of the same state government agency or local government entity; or

C. A fine of not more than \$2,000 for a civil violation described in subsection 1 that was committed not more than 4 years after 2 or more previous adjudications of a civil violation described in subsection 1 by an officer or employee of the same state government agency or local government entity.

SUMMARY

This bill replaces the existing penalty provision of the Freedom of Access Act to establish a tiered schedule of fines for the civil violation of willfully violating the Freedom of Access Act.

A state government agency or local government entity is subject to a fine of up to \$500 for a first violation, a fine of up to \$1,000 for a 2nd violation and a fine of up to \$2,000 for 3rd and subsequent violations committed within 4 years of an adjudication for a willful violation. For the purposes of determining previous adjudications, a willful violation can be committed by any employee of the agency or entity.