



131st MAINE LEGISLATURE

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Legislative Document

No. 1203

H.P. 763

House of Representatives, March 14, 2023

**An Act to Clarify Deadlines in the Freedom of Access Act and
Disclosure Provisions in the Intelligence and Investigative Record
Information Act**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BOYER of Poland.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: ANDREWS of Paris, HENDERSON of Rumford, LEE of Auburn, LIBBY of
Auburn, POIRIER of Skowhegan, RECKITT of South Portland, SUPICA of Bangor.

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

2 **Sec. 1. 1 MRSA §408-A, sub-§3**, as amended by PL 2015, c. 317, §1, is further
3 amended to read:

4 **3. Acknowledgment; clarification; time estimate; cost estimate.** The agency or
5 official having custody or control of a public record shall acknowledge receipt of a request
6 made according to this section within 5 working days of receiving the request and may
7 request clarification concerning which public record or public records are being requested.
8 Within a reasonable time of receiving the request, but no later than 30 days following
9 receipt of the request, the agency or official shall provide a good faith, nonbinding estimate
10 of the time within which the agency or official will comply with the request, as well as a
11 cost estimate as provided in subsection 9. The agency or official shall make a good faith
12 effort to fully respond to the request within the estimated time. For purposes of this
13 subsection, the date a request is received is the date a sufficient description of the public
14 record is received by the agency or official at the office responsible for maintaining the
15 public record. An agency or official that receives a request for a public record that is
16 maintained by that agency but is not maintained by the office that received the request shall
17 forward the request to the office of the agency or official that maintains the record, without
18 willful delay, and shall notify the requester that the request has been forwarded and that the
19 office to which the request has been forwarded will acknowledge receipt within 5 working
20 days of receiving the request.

21 **Sec. 2. 1 MRSA §413, sub-§5** is enacted to read:

22 **5. Prioritization of requests.** A public access officer may give priority to a request
23 for public records from a resident of this State or from a journalist acting in the journalistic
24 capacity of gathering, receiving, transcribing or processing news or information for
25 potential dissemination to the public.

26 **Sec. 3. 16 MRSA §804, sub-§3**, as enacted by PL 2013, c. 267, Pt. A, §3, is
27 amended to read:

28 **3. Constitute an invasion of privacy.** Constitute an unwarranted invasion of personal
29 privacy, except when the disclosure of the record is consented to by the individual who is
30 the subject of the record or, if that individual is deceased, incapacitated or a minor, by a
31 person who is a family or household member of the individual. As used in this subsection,
32 "family or household member" has the same meaning as in Title 19-A, section 4102,
33 subsection 6;

34 **SUMMARY**

35 This bill amends the Freedom of Access Act to specify that the reasonable time within
36 which an agency or official having custody or control of a document has to provide a good
37 faith, nonbinding estimate of the time that it will take the agency or official to comply with
38 the request may not be longer than 30 days following receipt of the request. This bill allows
39 the public access officer for an entity subject to the Freedom of Access Act to give priority
40 to requests for public records from residents of Maine and journalists. This bill also amends
41 the Intelligence and Investigative Record Information Act to allow the disclosure of a
42 record that may constitute an unwarranted invasion of privacy if that disclosure is

1 consented to by the individual who is the subject of the record or, if the individual is
2 deceased, incapacitated or a minor, by a family or household member of that individual.