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Legislative Document

No. 1414

H.P. 1027

House of Representatives, March 26, 2019

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

Reported by Representative BAILEY of Saco for the Joint Standing Committee on
Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph
G.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint
Rule 218.

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

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 1 MRSA §410**, as repealed and replaced by PL 1987, c. 477, §6, is
3 repealed and the following enacted in its place:

4 **§410. Violations**

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

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

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

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

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

18 **SUMMARY**

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

22 A state government agency or local government entity is subject to a fine of up to
23 \$500 for a first violation, a fine of up to \$1,000 for a 2nd violation and a fine of up to
24 \$2,000 for 3rd and subsequent violations committed within 4 years of an adjudication for
25 a willful violation. For the purposes of determining previous adjudications, a willful
26 violation can be committed by any employee of the agency or entity.