



MAINE PRESS ASSOCIATION  
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Sen. Carney, Rep. Kuhn, members of the Joint Standing Committee on Judiciary, my name is Judith Meyer. I am here today on behalf of the Maine Press Association against LD 1399, An Act to Allow Action Against a Person Violating the Confidentiality of an Executive Session of a Public Body or Agency.

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The Maine Press Association echoes the observation by the Maine Freedom of Information Coalition regarding existing penalties in Maine's Freedom of Access Act that address penalties for violations to the confidentiality of executive sessions, and supports the concerns raised by MFOIC about worrisome situations where a person barred from executive sessions would later be expected to vote on issues when they come forward in public session without the benefit of any knowledge of or full context of often complicated public issues.

MPA raises an additional concern of the confidential nature of any hearing that might determine a person has violated FOAA. While many investigations into wrongdoing in Maine are conducted behind closed doors, hearings to adjudicate complaints are held in full public scrutiny, including hearings on law enforcement certifications and disciplinary hearings of physicians, nurses and attorneys, and many, many others.

A hearing that would ban someone – whether an elected official or someone else who may have attended an executive session – from attending an executive session or having access to confidential records that they may need to make informed personal or professional decisions is something that should be decided in the public eye. That is especially true since the bill before you doesn't set a time limit for any ban, but leaves that time period to be determined in secret.

The Maine Press Association joins the Maine Freedom of Information Coalition in its suggestion that this bill be sent to the Right to Know Advisory Committee for consideration, and that RTK be instructed to bring a recommendation back to Judiciary next year.

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The **Maine Press Association**, founded in 1864, is one of the oldest professional news organizations in the nation. Our goals, as spelled out in our charter and by-laws are: To promote and foster high ethical standards and the best interests of the newspapers, journalists, and media organizations of the state of Maine that constitute its membership; to encourage improved business and editorial practices and better media environment in the state; and to improve the conditions of journalism and journalists by promoting and protecting the principles of freedom of speech and of the press and the public's right to know.