

DRAFT

Right to Know Advisory Committee
Education and Training Subcommittee
November 27, 2007
(Draft) Meeting Summary

Convened 1:22 p.m., Room 438, State House, Augusta

Present:

Judy Meyer, chair
Karla Black
Richard Flewelling
Linda Pistner
Harry Pringle

| Absent:

Sheriff Mark Dion
Mal Leary
Maureen O'Brien

Staff:

Peggy Reinsch
Colleen McCarthy Reid

Judy Meyer convened the Education and Training Subcommittee.

Ms. Meyer explained that the focus of the subcommittee meeting was to recommend draft legislation to the full Advisory Committee to revise the mandatory training requirements for elected officials. Staff prepared draft legislation that had been distributed via e-mail, and the subcommittee members discussed the provisions and possible changes. Harry Pringle suggested that the draft may be too detailed in some respects, and proposed revisions. The subcommittee worked through his proposals.

Mandatory training: Minimum requirements

The subcommittee continued to applaud the State FOA website, and all of Karla Black's work in putting it together and maintaining it. Rather than listing specific items that are included on the website and that must be made a part of an appropriate training course, the subcommittee agreed to keep the more general description of the minimum requirements that is current law. The members agreed with Mr. Pringle's suggestion that the statute should indicate that an elected official who conducts a careful review of the website satisfies the training requirements. In addition, any other training program must include all the information provided on the website, and may include additional information. There was discussion about making the website content available in written form for public officials that do not have access to the Internet, making it difficult to conduct their training online.

Mandatory training: Completion records

The draft under review directed each public official to make a record of the completed training, maintain it and make it available upon request. Mr. Pringle suggested that both the elected official and the interested public would be better served if each elected official had the option of filing the record with the public entity to which the official has been elected (e.g., a school board). The subcommittee agreed. The subcommittee also agreed to revise the draft to direct the Advisory Committee to recommend to the Legislature a process to collect and maintain the completion records in a central registry. The draft had directed the Advisory Committee to develop a means to collect and maintain the completion records in a central registry.

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Mandatory training: Who

The draft revised the description of who must complete the training to provide a list, divided generally by the category of government. Richard Flewelling suggested slightly revised introductory language to make it clear that all officials listed are subject to the training requirements if they are elected. The subcommittee agreed to that change, and also agreed to revise the draft to expand the description of the general language governing elected officials of regional or other political subdivision (who exercise executive or legislative powers) to parallel the definition of “political subdivision” in the Maine Tort Claims Act.

Mandatory training: Item for discussion

The subcommittee discussed when training must occur. Mr. Pringle noted the subcommittee’s discussion at the last meeting that indicated the current law should be interpreted to require mandatory training every time an official is elected. Mr. Pringle stated that he would not interpret the current law as requiring the training every time an official is elected in light of the ambiguity in the law. Mr. Flewelling stated that he might prefer Mr. Pringle’s interpretation given a choice, but that the advice that MMA gives, based on the actual wording of the statute, is that training is required after each election. Linda Pistner agreed with that interpretation of the law, but suggested that correcting the ambiguity would be preferable. Ms. Meyer indicated that her intent when the law was first proposed was to require training upon each election. Mr. Flewelling mentioned that there are many municipal officials who are elected for one-year terms, and end up serving several consecutive terms. As MMA currently interprets the statute, these elected officials would have to complete the training every year. The subcommittee discussed how to revise the language to require training on a regular basis, but not necessarily every year for those lucky enough to be elected annually. The subcommittee could not reach agreement, other than to recommend the issue as an item to be discussed by the full Advisory Committee on December 5th.

Next meeting

Full Advisory Committee meeting, December 5, 2007, 1:00 p.m.

Prepared by Peggy Reinsch and Colleen McCarthy Reid

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