

From: [Kaycen](#)
To: [Reinsch, Margaret](#)
Cc: [McCarthyReid, Colleen](#)
Date: Friday, October 29, 2021 12:53:36 PM
Importance: High

This message originates from outside the Maine Legislature.

Hi Peggy,

I have always thought how sad it is that this advisory committee doesn't 1) take public comments and 2) review individual cases for their unique value in understanding where the FOAA laws are effective and where the electorate is struggling against the machine. There is a lot to fix in the enforcement of FOAA. This is especially true with commercial entities trying to access documents in connection with some research, a legal case, a media report and so on. Agencies like to play games with the costs of retrieving data by overpricing the costs of retrieval depending on who they like or don't like. There is far too much discretion in access and costs of access.

I would like to make one specific suggestion that is long overdue. Once a document or group of documents has been released under a FOAA request, the agencies should be prohibited from double dipping by charging for additional requests for the same documents. In fact, the released data should be posted publicly for ALL to see once it has been released. Of course the perfect solution is to make all documents public upon creation by posting on a public FOAA website. Agencies should also keep a separate list of all documents that have been made public via an FOAA request.

Please open the committee door to public input from actual FOAA requests and failures. There is no other way that the committee can stay in touch with the reality of how FOAA works or not.

Remember always that the legislative intent of FOAA is:

It is the intent of the Legislature that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly. It is further the intent of the Legislature that clandestine meetings, conferences or meetings held on private property without proper notice and ample opportunity for attendance by the public not be used to defeat the purposes of this subchapter.

This subchapter shall be liberally construed and **applied** to promote its underlying purposes and policies as contained in the declaration of legislative intent.

Might I also suggest that the committee undertake to create a living book on court cases involving FOAA rights, denials and approvals to provide common citations from court cases.

Kenneth A. Capron, ret. CPA, MCSE
1375 Forest Avenue D-11
Portland, Maine 04103
Phone: 207-797-7891

Email: kcapron1@maine.rr.com

Science can only disprove;
mathematics proves, using pure logic.

From: Reinsch, Margaret
Sent: Thursday, October 28, 2021 3:00 PM
Cc: McCarthyReid, Colleen
Subject: [right.to.know-ip] Right to Know Advisory Committee - Public Records Exception Subcommittee meeting
Dear Right to Know Advisory Committee Interested Parties ???

The Public Records Exceptions Subcommittee of the Right to Know Advisory Committee will meet by Zoom on Tuesday, November 2nd, from 3:00 to 5:00 p.m. The audio will be streamed live on the Legislature's webpage (<https://legislature.maine.gov/Audio/#438>) and the meeting will be streamed live via YouTube (link to be posted on the RTKAC website).

Materials will be posted on the RTKAC website: <https://legislature.maine.gov/right-to-know-advisory-committee>

Please let me know if you have any questions.

Peggy

Margaret J. Reinsch, Esq.
Legislative Analyst
Joint Standing Committee on Judiciary
Maine State Legislature
Office of Policy and Legal Analysis
13 State House Station
Augusta, Maine 04333
(207) 287-1670 (office)
(207) 287-1673 (direct and voice mail)
margaret.reinsch@legislature.maine.gov

===== About This E-Mail List
=====

Archives of this list: [http:// https://lists.legislature.maine.gov/sympa/arc/right.to.know-ip](http://https://lists.legislature.maine.gov/sympa/arc/right.to.know-ip)

To unsubscribe from this list:

Use this link: <https://lists.legislature.maine.gov/sympa/info/right.to.know-ip>

Or send mail to the mail server: <mailto:listserv@lists.legislature.maine.gov?subject=unsubscribe%20right.to.know-ip%20kaycen%40maine.rr.com>

