



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1085

H.P. 746

House of Representatives, March 25, 2015

**An Act To Implement the Recommendations of the Right To Know
Advisory Committee Concerning Receipt of a Request for Public
Records**

Reported by Representative HOBBS 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 "Robert 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 §408-A, sub-§3**, as amended by PL 2013, c. 350, §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
6 request made according to this section within 5 working days of receiving the request and
7 may request clarification concerning which public record or public records are being
8 requested. Within a reasonable time of receiving the request, the agency or official shall
9 provide a good faith, nonbinding estimate of the time within which the agency or official
10 will comply with the request, as well as a cost estimate as provided in subsection 9. The
11 agency or official shall make a good faith effort to fully respond to the request within the
12 estimated time. For purposes of this subsection, the date a request is received is the date
13 a sufficient description of the public record is received by the agency or official at the
14 office responsible for maintaining the public record. An agency or official that receives a
15 request for a public record that is not maintained by the office shall forward the request to
16 the office of the agency or official that maintains the record, without willful delay.

17 **SUMMARY**

18 This bill amends the Freedom of Access Act to clarify that the date of receipt of a
19 request to copy or inspect a public record is the date a sufficient description of the public
20 record is received by the agency or official at the office responsible for maintaining the
21 public record. An agency or official that receives a request for a public record that is not
22 maintained by that office must forward the request to the appropriate office without
23 willful delay.