

DRAFT

Right to Know Advisory Committee  
Education and Training Subcommittee  
October 3, 2007  
(Draft) Meeting Summary

Convened 1:00 p.m., Room 438, State House, Augusta

Present:

Judy Meyer, chair  
Karla Black  
Richard Flewelling  
Mal Leary  
Maureen O'Brien  
Terry McCabe (for Harry Pringle)

| Absent:

Sheriff Mark Dion  
Linda Pistner  
Harry Pringle  
Ralph Stetson

Staff:

Peggy Reinsch  
Colleen McCarthy Reid

Judy Meyer convened the Education and Training Subcommittee and reminded everyone that audio of the meeting was being made available online through the Legislature's website. Those in attendance introduced themselves.

Ms. Meyer explained that the focus of the subcommittee meeting was to develop recommendations to carry out the Advisory Committee's responsibilities relating to the mandatory training for elected public officials, established by Public Law 2007, chapter 349.

Mandatory training: Who

The statute (1 MRSA §412, sub-§4) was reviewed to help identify to whom the training requirement applies: elected public officials who exercise executive or legislative power. There was some discussion about possibly amending the statute to make it clear that the original focus is town councils, selectmen, school boards, and not so much water boards or sanitary district boards. As it stands, the mandatory training law does not apply to boards that, even if elected, serve only an advisory function, which is the usual role of budget committees. The subcommittee does not, at this time, recommend changes in those required to undergo the training.

Mandatory training: What

After much discussion about specific training elements and the availability of different programs, the subcommittee agreed to use the State's Freedom of Access webpage as the template for training. The subcommittee members praised the content and layout of the current information on the State's webpage, and extended thanks and congratulations to Karla Black for her initial and continuing work on it. Linda Pistner prepared a list of her thoughts as to what should be in a training program. The subcommittee agreed with the list, and directed staff to compare Ms. Pistner's list with the existing webpage information to make sure all the elements are covered. The subcommittee wanted to make sure basic questions about e-mail (such as, yes, it can be a public record, and no, a board cannot conduct business via e-mail) are included in the training. Ms. Black agreed to adjust the format of the website to better accommodate the need to identify training requirements and completion.

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It will be made clear that more specific training may be available from various organizations that support public officials in their activities, such as the Maine Municipal Association and the Maine School Management Association. Samples of both of their basic training materials were provided to the subcommittee.

Mr. Flewelling emphasized the importance of making sure that alternative training programs are available for those without Internet access, or who learn better with a different educational format. The subcommittee agreed to pursue turning the webpage information into a downloadable form that can be used as a training program independent of computer.

The subcommittee agreed to use the combination of the webpage information and Ms. Pistner's list of elements to establish the criteria to be used to approve training courses. The envisioned process is for organizations to submit their alternative programs to the Advisory Committee, the subcommittee will review and make recommendations to the full Advisory Committee, which has the authority to finally approve the course.

### Mandatory training: How

Perhaps the biggest sticking point is the process for elected officials to report that they have completed approved training. PL 2007, c. 349 provides that elected officials must send notice of completion to the Advisory Committee, which will keep that information as a public record and make that information available to the public. Concerns have been raised about making sure this doesn't become the "sex offender registry for public officials" - the process should be easy and not become punitive. The subcommittee is comfortable that the technology exists to allow elected officials to fill out a completion form electronically, and then the information populates a database that would be available to the public. Such a system would not be adequate to accommodate those who do not, for whatever reason, send in the completion form electronically. Also, the ability to support the electronic system needs to be explored. One idea was for each local government to maintain a file of the completion forms. Staff will continue to work on this issue, and include it as an item for potential law school interns to address. Ms. Meyer reiterated that one of the purposes of the training is to maintain the government's and government officials' accountability to the public, so the information that the required training has been completed is important to make available. Staff will include certification process as potential part of law school intern's responsibilities.

### Mandatory training: When

The subcommittee discussed when training must occur. Based on the language of the statute, Mr. Flewelling said he advises members of the Maine Municipal Association that training must not occur before July 1, 2008 to meet the statutory requirement. Those elected on or after July 1, 2008 have 120 days to complete the training. Those already in office as of July 1, 2008 must complete the training by November 1, 2008. All agreed that the training requirement must be met every time the person is elected.

### Ongoing work

Training program template: All members will review the website and Ms. Pistner's list and let staff know if additions or clarifications are suggested. Staff will provide comparison for comments.

Completion records: Staff will work on resolution of paper and electronic ideas.

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Although no additional subcommittee meeting is planned before the Advisory Committee meeting on October 29th, if the subcommittee members decide that such a meeting would be helpful, the subcommittee may try to meet at 9:00 a.m. on October 29th (before the Legislative Subcommittee meeting).

Prepared by Peggy Reinsch and Colleen McCarthy Reid

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