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Right to Know Advisory Committee
Legislative Subcommittee
Education and Training Subcommittee
November 13, 2006
Room 438, State House, Augusta
(Draft) Subcommittee Meeting Summary

Present:

Chris Spruce, Chair, Legislative Subcommittee
Judy Meyer, Chair, Education & Training Subcommittee
Shenna Bellows
Karla Black
Richard Flewelling
Suzanne Goucher
Mal Leary
Maureen O'Brien
Harry Pringle
Ralph Stetson

Staff:

Colleen McCarthy Reid
Peggy Reinsch

The Legislative Subcommittee took advantage of the first hour set aside for the Right to Know Advisory Committee and scheduled a second subcommittee meeting to try to finalize recommendations to the entire Advisory Committee. Because of the overlap in recommendations concerning training for public officials, the Education and Training Subcommittee joined the meeting.

The Legislative Subcommittee discussed making the following recommendations to the whole Advisory Committee:

1. Still need to figure out strategy to deal with inconsistencies in language, but will collect when submitted.
2. Support Ombudsman position, but need budget numbers from Attorney General.
3. Mandate training for elected officials, but need better information about whether a mandate from the Attorney General.
 - Keep the applicable population narrow to try to avoid mandate (may not be possible)
 - Several states will be following Texas's lead
 - Note that Education and Training Subcommittee recommends not mandating training
 - Elected officials not the people who handle requests
 - Training currently available and being used

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- Mandate
 - Collect information about the mandated training for law enforcement agencies to see if burdensome, effective; any recommendations for changes
4. Consequences for violations (overlaps with Compliance and Enforcement Subcommittee)
- Anecdotal information about custodians refusing to provide record even though they know it is public; resolved with involvement of legislator or Governor's legal counsel.
 - May not be bad faith in refusal - not every requested document is clearly public; questions often complicated and require thought and research.
 - Not sure what effect on compliance Ombudsman would have
 - FOA requests becoming pre-litigation tool - broader than discovery in a court case.
 - Would like to see what other states do, especially where there is an Ombudsman or other intermediary
 - Consider stepped process - start with Ombudsman, continuing problems result in fines, lawsuit, attorney's fees?
 - Already in place in Canada?
5. Exceptions review
- Internship proposal (draft)
 - Proposal for information from record custodian (draft)
 - Need to establish communication with Judiciary Committee
6. Reviewing new legislation
- Need to strategize how to handle, plus communication among members
 - Need to establish communication with Judiciary Committee

Adjourned for start of full Advisory Committee meeting.

Prepared by Peggy Reinsch, Office of Policy and Legal Analysis 11/14/06

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