

Questions about Maine's Freedom of Access Law

1 M.R.S.A §401 et seq.

Do I have the right to access all documents in the custody of local government?

No. You have the right to access documents defined as "public records." While this includes most documents in the local government's possession, there are some documents that are not classified as "public records" and which are confidential.

What kinds of documents are kept confidential?

The general concept behind the Right to Know Law is that the public is entitled to access information about its government. However, the law recognized that some private information is kept by government, and sometimes public safety requires that information be kept confidential. Examples of documents that are not accessible to the public include:

- some personnel file information, such as medical information and complaints that do not result in disciplinary action
- information about property tax abatements granted on basis of infirmity or poverty
- some information from calls for assistance on the E-911 emergency line
- medical information from rescue calls
- information the Police Department has regarding criminal charges that have not resulted in convictions or that is classified as intelligence or investigative information, including the name of the person who filed a complaint against you if there are no charges
- documents detailing emergency response plans and protocols

Who decides whether or not I can have the information?

Documents that clearly contain only public information will be provided on request by the department with custody of the records. Where there is any question about whether a document can be provided to a member of the public, the request is forwarded to the Town's Legal Department, where it is reviewed to make sure the Town is complying with all applicable laws.

Is the Town required to provide immediate access?

The Town is required to provide access to the requested information or a written reason why access is denied within 5 business days of the request.

Do I have to give a reason why I want the information?

No. Sometimes, however, a Town employee may ask you questions in an effort to make sure he understands exactly what you are asking for in order to be responsive to the request.

Can the Town charge me for copies of documents?

Yes. The Town is permitted to charge a fee that covers the costs of staff time and photocopying.