


Freedom of Access Act Training Course



POLAND, MAINE

View of White Mountains from Range Hill Road

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- **Who has to have FOAA training?** 
- What is FOAA?
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Elected Officials Required to Complete Training

- Governor
- Attorney General, Secretary of State, Treasurer of State and State Auditor
- Legislators elected after November 1, 2008
- Commissioners, treasurers, district attorneys, registers of deeds, registers of probate and budget committee members of any county
- **Municipal officers, clerks, treasurers, assessors and budget committee members of municipal governments**
- **Officials of school units and school boards**
- Officials of regional or other political subdivisions, including officials of water districts, sanitary districts, hospital districts, transit districts or regional transportation districts

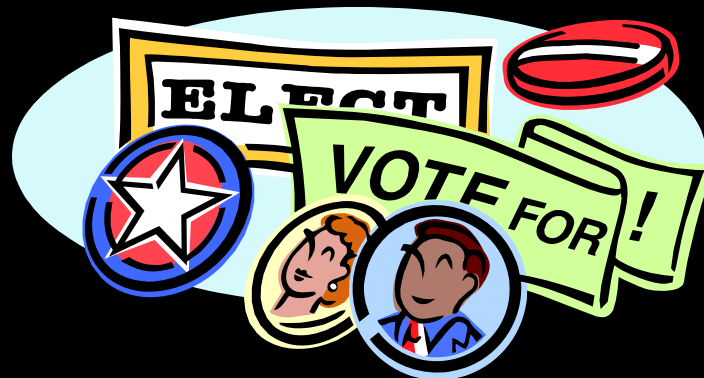


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What is the Freedom of Access Act?

The Freedom of Access Act (“FOAA”) is a state statute that is intended to open the government of Maine by guaranteeing access to the “public records” and “public proceedings” of state and local government bodies and agencies.

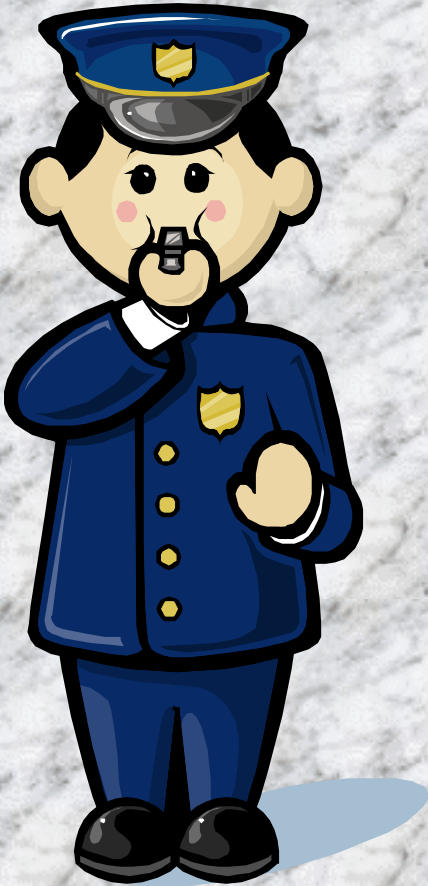




FOAA vs. FOIA

FOAA does not apply to federal agencies operating in Maine or to federal government records. The similar federal statute “Freedom of Information Act” applies to the federal government but likewise does not apply to state or local government bodies, agencies or officials.

Who Enforces the FOAA?



- Any aggrieved person may appeal to any Superior Court in the state to seek relief for an alleged violation
- Office of the Attorney General or the District Attorney may bring enforcement action seeking penalties if the alleged violation is willful

Consequence of Violation

- Civil Violation
- No Criminal Penalties
- Class D Crime
- Forfeiture of no more than \$500



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What Are Public Records?



Written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, and has been received or prepared for use in connection with the transaction of public or governmental business.

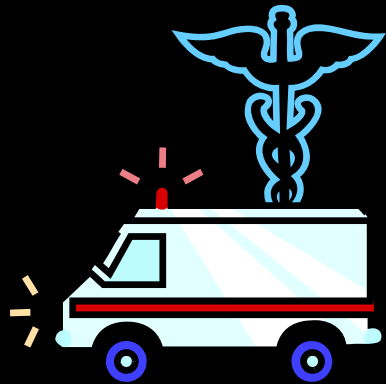


Statutory Exception List

There are over 300 statutory exceptions to the Freedom of Access Act's definition of a public record. The following website lists them all.

<http://www.mainelegislature.org/legis/foa/>

Included in the Exception List



Ambulance and
rescue records

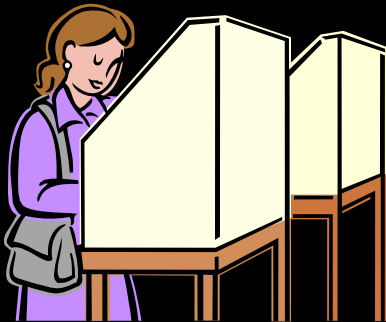


Concealed weapons
applications



General Assistance and
poverty abatement
applications

Included in the Exception List



Voter Address




Personnel Records

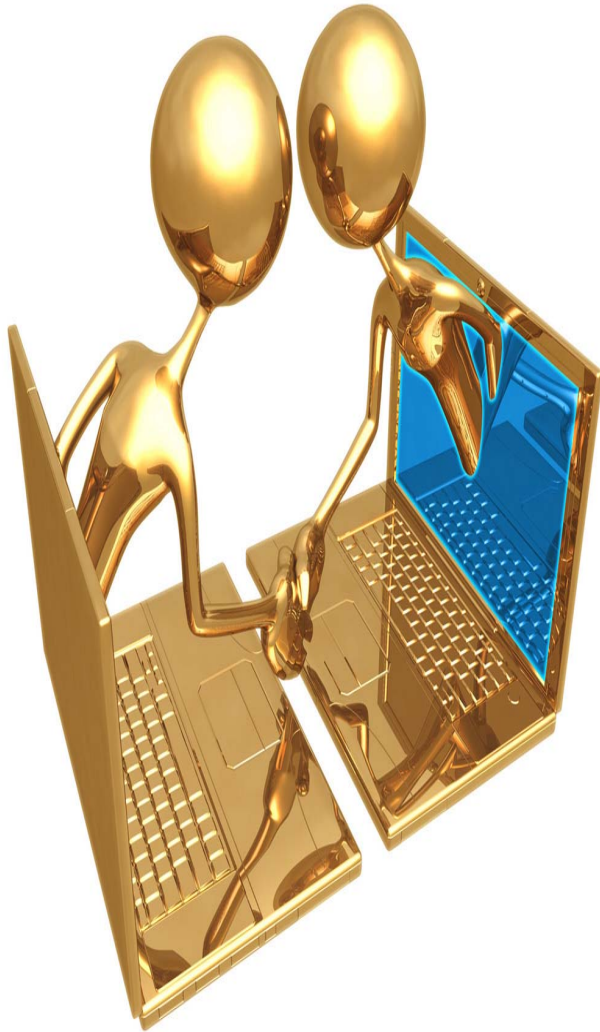


**Library records that have
patron's use of books
or other materials**

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What is a Public Proceeding?



The transactions of any functions affecting any or all citizens of the State” by any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision.

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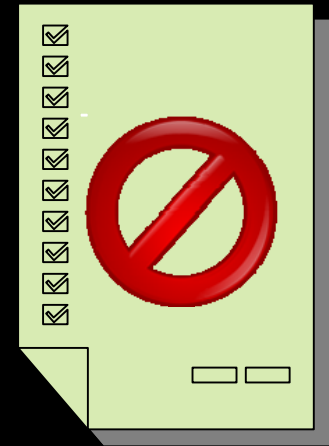
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General Info on Requests



- Do not have to be a Maine resident to submit request

- There are no required forms



- Request does not have to be in writing

How to Submit a Request

- Make request during municipality's normal business hours
 - Monday 9 AM – 7 PM
 - Tuesday – Friday 9 AM – 4 PM
- Help office staff fill out request form accurately with your request
- Be as specific as you can on your request

Town of Poland

POLAND TOWN OFFICE

1231 Maine Street, Poland, Maine 04274

tel. (207) 998-4601, fax (207) 998-2002

Request for Information

Request Made By:

Date of Request:

Items Requesting:

How can the Town Office contact you with our response?

Date request received by Town Office:

Received by (Name of Employee):

Date of Reply:

Reply made by:

Costs of Photocopying (\$0.25/page side):

Cost of Staff Time (at hourly rate):

1st quarter-hour free, then \$4 /quarter- hour

Payment Received:

Requester's Responsibilities



- Set up a time to inspect documents with official, convenient to official

- Pay all applicable fees



- Leave contact information so you can be reached

Agencies Responsibilities



Respond to request
within five working
days.



Contact requester to
come inspect records.



Make copies at request.

Agencies Responsibilities



Make duplicate copies
for town clerk to keep.



File all requests
whether approved or
denied.



Provide written
documentation why request
was denied within 5 days.

What the Agency does not have to do:

- **Agency does not have to answer any questions pertaining to the information contained within the documents requested**
- **Agency does not have to summarize, create or put information in any format other than what is in existence on the date of the request**
- **Agency does not have to honor standing requests, a new request must be made each time someone would like documents**

Fees Charged

- **Cost of Staff Time**
 - First $\frac{1}{4}$ hour FREE
 - Then \$4.00 per $\frac{1}{4}$ hour
- **Cost of Photocopying**
 - \$0.25 per page side



Summary of FOAA

Maine's Right to Know law strikes a three way balance between the general public's undisputed right to observe and review the conduct of public business, personal rights of privacy, and the municipal right to negotiate transactions of a contractual or legal nature in something of a competitive manner.



Thank You
Have a Great Day!