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## CHAPTER SIXTEEN

# The Library Board - Open Meetings and Public Records

Maine’s Freedom of Access Act (Title 1, Chapter 13, Subchapter 1), which includes open meetings and access to public records, supports the principle that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of government business. To this end, all meetings of all state and local government bodies (including municipal library boards) must be held in places reasonably accessible to members of the public and must be open to the public, except as expressly provided by law. Maine’s open meetings law provides specific requirements for meeting notice, accessibility of meetings, the conduct of meetings, and legally holding closed sessions. Violations carry significant penalties, so careful adherence to these requirements is essential.

Libraries organized as nonprofit organizations are generally exempt from following these requirements. However, we recommend that all libraries who receive any funding from their municipality open their meetings to the public. More information on requirements for libraries organized as nonprofit organizations can be found in the chapter 17 “Boards of Charitable Corporations or Non-Profit Libraries”.

The information presented in this chapter is in no way to be considered as legal advice. If you have specific questions, you should always consult your attorney.

It is the responsibility of each Maine library to understand its legal status based on its establishment documents. If you are unsure of your status you can:

- Contact the Secretary of State’s office or search their database <https://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x>
- Search for your library’s source documents at your town hall (charter, special law, etc.)
- Search the IRS database [www.irs.gov/Charities-&-Non-Profits/Exempt-Organizations-Select-Check](http://www.irs.gov/Charities-&-Non-Profits/Exempt-Organizations-Select-Check)
- Contact Maine Association of Nonprofits for guidance [www.NonprofitMaine.org](http://www.NonprofitMaine.org)

## Maine’s Freedom of Access Act requires:

### Open Meetings

- Public notice of all library board and library committee meetings, including the time, the date, and place, meetings is required in ample time to allow public attendance and disseminated in a manner that will reasonably notify is required to allow ample time for public attendance.

Notice must be disseminated in a manner that will responsibly notify the general public in the jurisdiction. In the event of an emergency meeting, local representatives of the media are to be notified by the same or faster means used to notify the members of the board.

- Meetings are open to all members of the public
- Records of the public proceedings must be made within a reasonable amount of time and available for public inspection. This record must include the date, time and place of the meeting, a record of the members present or absent and all motions and votes taken, by individual member if there is a roll call vote. An audio, video or electronic recording may serve as the public record.
- Meeting records are subject to Records Retention Requirements (Title 5, Chapter 6).
- Executive sessions may be called by a motion that indicates the precise nature of the business to be conducted. Only matters contained in the motion may be considered in the executive session. Executive sessions can only be held to discuss matters of employment, real or personal property, labor contracts, or consultation with the body's attorney.

#### Public Records

- The law provides that a person has the right to inspect and copy any public record within a reasonable time of making the request. Documents should be available during reasonable office hours and at no charge unless the information must be converted or compiled in some way. A fee schedule is provided in the law.
- Failure to comply with this requirement is considered a civil violation and a penalty of not more than \$500 may be assessed.

#### Sources of Additional Information

- Public records Frequently Asked Questions (FAQ) information from the Maine Office of the Attorney General [www.maine.gov/foaa/fag/](http://www.maine.gov/foaa/fag/)
- Maine Association of Nonprofits Frequently Asked Questions (FAQ) [www.nonprofitmaine.org/wp-content/uploads/2010/11/FAQDisclosureRequirementsBoardMeetings.pdf](http://www.nonprofitmaine.org/wp-content/uploads/2010/11/FAQDisclosureRequirementsBoardMeetings.pdf)
- Your municipal attorney, your district attorney, or the Maine Attorney General