

Portland Fish Pier Authority Board
Finance Subcommittee Meeting
Public Record of Proceedings

Under the Maine Revised Statutes (1 M.R.S. § 403) any public meeting is required to maintain a record. M.R.S. § 403 further states that required details of the record include:

- A. The date, time and place of the public proceeding
- B. The members of the body holding the public proceeding recorded as either present or absent; and
- C. All motions and votes taken, by individual member, if there is a roll call

§402-A

Title 1: GENERAL PROVISIONS
Chapter 13: PUBLIC RECORDS AND PROCEEDINGS
Subchapter 1: FREEDOM OF ACCESS

§404

§403. Meetings to be open to public; record of meetings

1. Proceedings open to public. Except as otherwise provided by statute or by section 405, all public proceedings must be open to the public and any person must be permitted to attend a public proceeding.
[PL 2011, c. 320, Pt. C, §1 (NEW).]

2. Record of public proceedings. Unless otherwise provided by law, a record of each public proceeding for which notice is required under section 406 must be made within a reasonable period of time after the proceeding and must be open to public inspection. At a minimum, the record must include:

- A. The date, time and place of the public proceeding. [PL 2011, c. 320, Pt. C, §1 (NEW).]
- B. The members of the body holding the public proceeding recorded as either present or absent; and [PL 2011, c. 320, Pt. C, §1 (NEW).]
- C. All motions and votes taken, by individual member, if there is a roll call. [PL 2011, c. 320, Pt. C, §1 (NEW).]

[PL 2011, c. 320, Pt. C, §1 (NEW).]

3. Audio or video recording. An audio, video or other electronic recording of a public proceeding satisfies the requirements of subsection 2.
[PL 2011, c. 320, Pt. C, §1 (NEW).]

4. Maintenance of record. Record management requirements and retention schedules adopted under Title 5, chapter 6 apply to records required under this section.
[PL 2011, c. 320, Pt. C, §1 (NEW).]

5. Validity of action. The validity of any action taken in a public proceeding is not affected by the failure to make or maintain a record as required by this section.
[PL 2011, c. 320, Pt. C, §1 (NEW).]

6. Advisory bodies exempt from record requirements. Subsection 2 does not apply to advisory bodies that make recommendations but have no decision-making authority.
[PL 2011, c. 320, Pt. C, §1 (NEW).]

SECTION HISTORY
PL 1969, c. 293 (AMD). PL 1975, c. 422, §1 (AMD). PL 1975, c. 758 (RFR). PL 2009, c. 240, §1 (AMD). PL 2011, c. 320, Pt. C, §1 (RFR).

M.R.S. § 403 notes that “an audio, video, or other electronic recording of a public proceeding satisfies the requirements”. The City of Portland has undertaken the expense of recording all City Council meetings and Council Committee meetings which are live streamed and archived at the following location:

<http://www.portlandmaine.gov/129/Agendas-Minutes>.

This archive meets the requirement 1 M.R.S. § 403 and is an indisputable record of proceedings which may be viewed by any member of the public. For any meetings where votes were taken, a summary will also be prepared and posted as a second page to this attachment.