

# Northport Village Corporation

## Policy for Public Access

Reflecting Statutory Updates Through the  
130<sup>th</sup> Legislature (2021)

Maine law provides as follows:

“Except as otherwise provided by statute, a person has the right to inspect and copy any public record in accordance with [1 MRSA § 408-A] within a reasonable time of making the request to inspect or copy the public record.” 1 MRSA § 408-A.

In order to assure that the Village citizens and the general public have access to these public records, the Village hereby adopts the following policies, all as permitted by the Law:

- 1. Public records.** The term “public records” means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of the Village, its employees, or its elected or appointed officials and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business, except those records designated confidential by statute. 1 MRSA § 402(3).
- 2. Exclusions.** The statute and definitions exclude many categories from the definition of Public Records, including, but not limited to: employees’ personnel files; Village papers and reports until signed and publicly distributed, working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Overseer or Officer, committee chairperson to prepare proposed papers or reports for consideration by Village Overseers; and those matters which are designated as confidential or privileged under the law in 1 MRSA § 402(3A). The Village will comply with the mandate of the statute to read any exceptions narrowly so as to assure as complete public access as required by the laws of Maine.
- 3. The right to inspect.** “A person may inspect any public record during reasonable office hours,” meaning during the regular office hours of the NVC or at other times as may be agreed between the Village and the requesting party. 1 MRSA §§ 408-A(1) and 402(6). The Village will not charge a fee for inspection unless the public record “cannot be inspected without being converted or compiled.” See below for the amount and scope of an allowed fee in the event compilation or the like is requested or required.
- 4. The right to copy.** “A person may copy a public record in the office of the agency or official having custody of the public record during reasonable office

hours or may request that the agency or official having custody of the record provide a copy.” 1 MRSA § 408-A(2). The amount of the charge is set forth below.

5. **Acknowledgement and time estimate.** The Village will acknowledge any request within 5 working days of receipt. Within a reasonable time of receiving the request, the Village will provide a good faith estimate of the time necessary to comply with the request, identify any clarifications of the scope of the request, and include an estimate of potential cost of production. 1 MRSA §§ 408-A(3) and 408-A(9).
6. **No requirement to create new record.** The Village has no duty to create a public record that does not exist. 1 MRSA § 408-A(6).
7. **Electronically stored public records.** The Village recognizes that Public Records include those Public Records stored electronically, whether on-site or off-site. Those documents will be produced in paper form unless otherwise agreed between the Village and the requesting party. 1 MRSA § 408-A(7).
8. **Public Access Officer.** The Village designates the President of the Board of Overseers as the Public Access Officer. Requests for records may be submitted to the Public Access Officer through the email [president@nvcmaine.org](mailto:president@nvcmaine.org) or by USPS to:  
  

Public Access Officer  
Northport Village Corporation  
813 Shore Road  
Northport, ME 04849
9. **Response to Request.** If the Village determines the request is inconsistent with the Freedom of Access statutes, within five working days of the receipt of the request, a written notice of denial setting forth the reasons for the denial shall be provided. 1 MRSA §§ 408-A(4) and 408-A(4-A).
10. **Public Access Ombudsman.** Any complaints about the Village’s compliance with any request should be directed to the Maine Public Access Ombudsman at (207) 626-8577. Under no circumstance shall any requesting party berate, harass, or intimidated any employee or representative of the Northport Village Corporation.
11. **Original Records.** No original records belonging to the Northport Village Corporation shall be removed by any requesting party at any time
12. **Fees.**
  - a. **Paper Copies.** From original paper source or from electronic copies, \$0.10 per copy for standard 8x11 black and white copies, provided that this amount may be adjusted as permitted by future changes to Maine statutes. 1 MRSA §

408-A(8-A) and PL 2021, c. 313, §1. Postage will be charged with a handling fee of \$2.00, in addition to the copy cost.

- b. **Research.** If the Village may charge a fee to cover the actual cost of searching for, retrieving and compiling the requested records, which time shall include any reviewing and redacting of confidential information. The Village will not charge for the first 2 hours of staff time per request, but will charge \$25 per hour for any time after 2 hours, provided that this amount may be increased as permitted by future changes to Maine statutes. 1 MRSA § 408-A(8-B) and PL 2021, c. 375, §1. There shall be no research charge for standing orders other than for research required at the time the standing order is initiated.
- c. **Payment.** Payment may be required in advance if the estimate of cost exceeds \$100, subject to prompt refund of any excess amount received, or if the requester has previously failed to pay a properly assessed fee. If advance payment is inadequate, final payment shall be made before delivery of copies. 1 MRSA § 408-A(10).
- d. Nothing in this section shall limit the right of the Village to distribute copies free of charge in connection with the conduct of a public proceeding.

Resources:

- 1 MRSA § 402:  
<https://www.mainelegislature.org/legis/statutes/1/title1sec402.html>
- 1 MRSA § 408-A: <https://www.mainelegislature.org/legis/statutes/1/title1sec408-A.html>