

**PROPOSED DISCUSSION DRAFT TO  
AMEND FOAA PAYMENT OF COSTS PROVISION:  
Reflects discussion at Nov. 20 meeting**

**Sec. 1.** 1 MRSA §408-A, sub-§8 is amended to read:

**8. Payment of costs.** Except as otherwise specifically provided by law or court order, an agency or official having custody of a public record may charge fees for public records as follows.

A. The agency or official may charge a reasonable fee to cover the cost of copying.

B. The agency or official may charge a fee to cover the actual cost of searching for, retrieving and compiling the requested public record as follows, of not more than \$15 per hour after the first hour of staff time per request. Compiling the public record includes reviewing and redacting confidential information.

(1) The agency or official may not charge a fee for the first 2 hours of staff time per request.

(2). After the first 2 hours of staff time, the agency or official may charge a fee of not more than \$25 per hour.

C. The agency or official may charge for the actual cost to convert a public record into a form susceptible of visual or aural comprehension or into a usable format.

D. An agency or official may not charge for inspection unless the public record cannot be inspected without being compiled or converted, in which case paragraph B or C applies.

E. The agency or official may charge for the actual mailing costs to mail a copy of a record.

F. An agency or official may require payment of all costs before the public record is provided to the requester.

**Sec. 2.** 1 MRSA §408-A, sub-12 is enacted to read:

**12. Retention of fees or costs. An agency may retain any fees or costs charged under this section.**

**SUMMARY**

This draft makes the following changes.

1. It extends the time period for which an agency or official may not charge a fee for searching for, retrieving and compiling a requested public record from the first hour of staff time per request to the first 2 hours of staff time per request.
2. It increases the fee that may be charged after the first 2 hours of staff time per request for searching for, retrieving and compiling a requested public record from not more than \$15 per hour to not more than \$25 per hour.
3. It specifies that an agency may retain any fee or cost charged.