

RIGHT TO KNOW ADVISORY COMMITTEE
DRAFT

23 MRSA § 63: Records of right-of-way division confidential

Current Law	Proposed Discussion Draft	Comments
<p>§63. Records of right-of-way division confidential</p> <p>The records and correspondence of the right-of-way divisions of the Department of Transportation and the Maine Turnpike Authority relating to negotiations for and appraisals of property, pending the final settlement for all claims on the project to which they relate, and the records and data of the department and the Maine Turnpike Authority relating to engineering estimates of costs on projects to be put out to bid are confidential and may not be open for public inspection. The records and correspondence of the right-of-way divisions relating to negotiations for and appraisals of property must be open for public inspection after 9 months following the completion date of the project according to the record of the department or authority. Records of claims that have been appealed to the Superior Court must be open for public inspection following the award of the court.</p>	<p>Sec. 1. 23 MRSA § 63 is repealed and the following enacted in its place:</p> <p><u>§ 63. Confidentiality of records held by Department of Transportation and Maine Turnpike Authority</u></p> <p><u>1. Confidential records.</u> <u>The following records in the possession of the Department of Transportation and the Maine Turnpike Authority are confidential and may not be disclosed except as provided in subsection 2:</u></p> <p>A. <u>Records and correspondence of the right-of-way divisions relating to negotiations for and appraisals of property; and</u></p> <p>B. <u>Records and data relating to engineering estimates of costs on projects to be put out to bid.</u></p> <p><u>2. Record relating to negotiations and appraisals.</u> <u>The records and correspondence relating to negotiations for and appraisals of property are open for public inspection after 9 months following the completion date of the project according to the record of the department or authority, except that records of claims that have been appealed to the Superior Court must be open for public inspection following the award of the court.</u></p>	<ul style="list-style-type: none"> ■ Statute does not explicitly provide an exception allowing disclosure of records and data relating to engineering estimates ■ Disclosure permitted for records relating to appraisals of property 9 months after project completed or upon court award for records of claims appealed to Superior Court ■ Options to consider: #1: Allow disclosure of engineering estimates once bid is awarded #2: After 9 months following completion of project # 3: Modify #1 and/or #2