EXECUTIVE SESSION LAW

I. To Enter Executive Session, a Board Must:

A. Start with a public meeting;

B. Have a public recorded vote of 3/5 of members present and voting; and

C. State in a motion the precise nature of the business of the executive session and include in the motion a citation of one or more sources of statutory or other authority that permits an executive session for that business. If more than one matter is to be discussed, the nature of each matter and the source(s) of authority for each must be stated. When labor contracts are the subject of an executive session, the parties must be named.

II. Restrictions During Executive Session

A. Only matters stated in the motion may be considered.

B. No official actions shall be finally approved.

C. No public record shall be kept.

III. Items Which May Be Discussed In Executive Session

A. Discussion or consideration of employment, appointment, assignment, duties, compensation, evaluation, resignation, disciplining, promotion, demotion or dismissal of public officials, appointees or employees or the investigation of charges or complaints against persons, subject to the following conditions:

1. Only when public discussion could be reasonably expected to cause damage to the reputation or violate the individual's right to privacy;

2. Person charged or investigated has right to be present;

3. Person charged or investigated may request in writing that the investigation be conducted in open session. Such requests must be honored; and

4. Any person bringing charges shall be permitted to be present (does not specify participation).

B. Discussion or consideration of suspension or expulsion of a student, the cost of whose education is paid from public funds. The student and legal counsel (and parents or guardian if student is a minor) shall be permitted to be present if student, parents or guardian so desire.

C. Discussion or consideration of the condition, acquisition or the use of real or personal property only if premature disclosure would prejudice the bargaining position of the body or agency.

D. Board discussion of labor contracts and proposals and meetings may be held in executive session. (Negotiations between the representatives of a public employer and public employees are closed unless opened by agreement of both parties.)

E. Consultations between a body or agency and its attorney concerning legal rights, pending litigation, and settlement offers, when premature public knowledge would give the Board substantial disadvantage.

F. Discussion of records made, maintained or received by the body or agency, when access by the general public is prohibited by statute.

Cross Reference: BEC - Executive Sessions
Legal Reference: 1 MRSA § 405

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