PLEASE NOTE: Legislative Information ***cannot*** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Regarding Document Fees at County Registries of Deeds

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 33 MRSA §651, as repealed and replaced by PL 2003, c. 55, §1, is amended to read:

§ 651.Records; index

The records and indexes in each registry office must be made and kept for public inspection on at least one of the following media: white, acid-free paper, microfilm, microfiche, or digital image stored on magnetic or optical media. The register shall make an alphabetical index to the records without charge to the county so that the same surnames are recorded together and shall show in addition to the names of the parties and the nature of the instrument, the date of the instrument, the date of its record and the name of the city, town or unincorporated place where the land conveyed is situated. As often as every 10 years the register shall revise and consolidate the index in such manner that all deeds recorded since the last revision of the index are indexed so that the same surnames appear together and all names are in alphabetical order. The revised and consolidated index must contain all data as to each and every deed or other instrument referred to in this section. If it becomes necessary to revise, renew or replace any index, the new index must be made in conformity with this section.

When the register of deeds is required by law or common practice to make a note in the margin of a record, it is determined sufficient if the note is made to the index in such a fashion that the note becomes a permanent part of the indexing of the record to which the marginal note is required to be made.

The register shall prepare, or have prepared, a microfilm record of each page of every instrument, plan or other document recorded in the registry office. The microfilm record made must be stored in a fireproof area. When original record books or plans are considered by the register to be in a condition that warrants withdrawal from regular use, the register may make a true copy of the contents of the record or may provide suitable means for reading the microfilm, microfiche or digital image stored on magnetic or optical media of the instruments withdrawn. The records and certified copies made either from the true copy or from images stored as provided in this section must be received in all courts of law with the same legal effect as those contained in the original.

Notwithstanding Title 1, section 408, subsection 3, this chapter governs fees for copying records maintained under this chapter.

Sec. 2. 33 MRSA §751, sub-§14, as amended by PL 1991, c. 497, §8, is further amended to read:

14. Abstracts and copies. Making abstracts and copies from the records, a reasonable fee as determined by the county commissioners for each category of abstracts and copies, such as paper copies, attested copies, copies obtained online and bulk transfers of copies. In setting a reasonable fee for each category of abstracts and copies, the commissioners shall consider factors relating to the cost of producing and making copies available, which may include, but are not limited to: the cost of depleted supplies; records storage media costs; actual mailing and alternative delivery costs or other

transmitting costs; amortized infrastructure costs; any direct equipment operating and maintenance costs; costs associated with media processing time; personnel costs, including actual costs paid to private contractors for copying services; contract and contractor costs for database maintenance and for online provision and bulk transfer of copies in a manner that protects the security and integrity of registry documents; and a reasonable rate for the time a computer server is dedicated to fulfilling the request; and

Effective 90 days following adjournment of the 124th Legislature, Second Regular Session, unless otherwise indicated.

Public Law 2009, chapter 567

Sec. 11. Requests for bulk data. The Right To Know Advisory Committee shall review and make recommendations concerning the issues involved with requests for public records in bulk, including:

1. Public access to databases;

2. Protection of personal information that is not designated as confidential but is contained in databases that include public records;

3. Reasonable costs for copies when public records are requested in bulk;

4. Whether access or costs should be based on the intended or subsequent use of the information requested in bulk;

5. The acceptable formats for responses to requests, including electronic and paper;

6. The appropriate role for InforME in responding to requests for public records in bulk; and

7. Any other issues the advisory committee considers appropriate.

The advisory committee shall include its recommendations in the 2011 annual report required under the Maine Revised Statutes, Title 1, section 411, subsection 10.

Meeting Record: "Bulk Data" Stakeholders Meeting
(related to LD 1554, An Act Regarding Document Fees at County Registries of Deeds)

Date: June 22, 2010
Time: 10:00 – 11:30 a.m.
Location: Cross Office Building, Room 300

Attending: (see separate list for e-mail and phone contact information)

☒ Karla Black, Deputy Legal Counsel, Governor's Office
☒ Anna Broome, Legislative Assistant, Office of Policy and Legal Analysis (OPLA), Committee on State and Local Government
☒ Terry Hayes, State Representative, Committee on State and Local Government
☒ Gretchen Heldmann, Chair, Maine GeoLibrary Board
☒ Kelly Hokkanen, General Manager, InforME
☒ Marion Hylan Barr, Legislative Analyst, Office of Policy and Legal Analysis, Right to Know Advisory Committee
☒ Jim Lopatosky, Associate CIO for Applications, Office of Information Technology
☒ Greg McNeal, Chief Technology Officer (acting Chief Information Officer as of July 1)
☒ Carolyn Russo, Legislative Analyst, Office of Policy and Legal Analysis, Right to Know Advisory Committee
☒ Paul Sandlin, Manager of E-gov Services, Office of Information Technology
☒ John Simpson, MacImage of Maine
☒ Mike Smith, Manager, Maine Office of Geographic Information Systems
☒ Eric Stout, IT Project Manager, Office of Information Technology
☒ Richard Thompson, Chief Information Officer (retiring June 30)
☒ Robin Watts, Maine State Bar Association

Recorder: Eric Stout, Office of Information Technology (OIT)

Agenda for June 22:

- Introduction
- Review of Committee request
- Establish goals, ground rules
- Create a schedule of meetings
- Develop/ assign tasks
- Other

Handouts:

- Proposed agenda for June 22 meeting (see above)
- May 24, 2010 memo response from Richard B. Thompson, Chief Information Officer assembling a group of stakeholders to focus on issues related to bulk data transfers, evaluation of options to best handle requests, and development of a web portal for the county registry offices.
- March 9, 2010 memo request from the Committee on State and Local Government (signed by co-chairs Senator Deborah L. Simpson and Representative Stephen R.

Beaudette), asking to convene a stakeholders group that specifically relates to county registry records and bulk data.
- LD 1554, An Act Regarding Document Fees at County Registries of Deeds

Schedule of upcoming meetings (every 4th Tuesday, 10:00 – noon, for the next 6 months). Cross Office Building room 105 has been booked for:

- July 27
- August 24
- September 28
- October 26
- November 23
- December 28

SUMMARY OF ISSUES AND KEY ACTIONS
(See also next section for additional actions and detailed discussion):

Goal:

- Fulfill assignment from State and Local Government Committee (March 9 letter) by issuing a report by January 15, 2011: "The group should focus on:
  - Defining bulk data transfers
  - Evaluate the best way to handle such requests
  - The development of a web portal for the 18 county registry offices."

Summary of Issues/ General Principles discussed at June 22 meeting:

- Privacy – what should be protected?
- Transparency of government-held data, balanced with privacy concerns
- Fees – should they be charged? Who should set?
- "Access" versus "ownership" of the data

Summary of Key Actions from June 22 meeting (see next section for discussion details and other actions identified):

- **ACTION (Bulk Data Stakeholders Group):** Dedicated time and place – 4th Tuesday?
  - NOTE: Greg suggested 9:00-11:00, but scheduling will work out better for 10:00-noon. Invitation was sent for the recurring meetings (4th Tuesday of the next 6 months, from 10:00-noon, always at Cross Office Building, room 105):
    - July 27
    - August 24
    - September 28
    - October 26
    - November 23
    - December 28 (the group may decide to move this up to mid-December because of holiday vacations)
- **ACTION (Terry Hayes, Eric Stout as recorder):** Create a mailing list for the group, but add county contacts and key other stakeholders.

- **ACTION (Bulk Data Stakeholders Group):** Review Maine's Freedom of Access Act (FOAA) and the Federal Freedom of Information Act (FOIA) provisions, and why they are written that way.
    - What are general principles of FOAA & FOIA?
    - What are the controversies? Have they been addressed?
- **ACTION (InforMe, OIT, Greg McNeal, Jim Lopatosky, Eric Stout):** We need to inventory how bulk data is now handled – data provided and fees for each type. Craft something to go out, requesting an inventory.
    - Requests would come through the Office of Information Technology's applications teams. We'll scour those requests to see how we are currently handling data requests.
- **ACTION (Gretchen Heldmann, Mike Smith):** Will compile links for "spatial" data that is shared.
- **ACTION (Bulk Data Stakeholders Group, David Cheever/ State Archives):** How can we make recommendations on archiving? Archive issue and this data issue (on bulk date) needs to be connected. Do we have the internal capacity and infrastructure to support effective archiving? We should consult with State Archivist David Cheever.
- **ACTION (Bulk Data Stakeholders Group):** Issue a report to State and Local Government Committee by January 15, 2011. Also provide information to Right to Know Advisory Committee as created and appropriate, but report is to the State and Local Government Committee.
    - Identify things we can reach consensus; identify things we cannot come to consensus.
    - Give Legislative bodies an analysis where we wound up.
    - Cover the 3 basic tenants in letter, and break down further if necessary. The March 9 letter from the State and Local Government Committee says: "The group should focus on:
        - Defining bulk data transfers
        - Evaluate the best way to handle such requests
        - The development of a web portal for the 18 county registry offices."
    - How do we make bulk records available and keep the privacy components secure? (e-mail addresses, for example).
    - Describe different perspectives.
- **ACTION (Bulk Data Stakeholders Group, Attorney General's Office):** Next meeting:
    - Someone from Attorney General's Office (AG), such as Bill Laubenstein, walk through general principles and answer questions about the Freedom of Access Act (FOAA).

See below for more detailed actions and discussion.

DETAILS OF DISCUSSION AND ACTIONS:

Dick Thompson (Chief Information Officer):

InforME Bulk Data Services Summary
July 2010

IF&W – Bulk Special Request Data:
Data available to purchase includes moose permittee data, hunting and fishing license data, boat/ATV/snowmobile registration data, and guides/trappers licensee data. These requests tend to be one-time and specific requests from folks who wish to market their business to outdoorsmen (camp owners, guides, outfitters, etc.), as well as from political candidates during election years.
Fees: $.03 - $.05 per record
Fee set by: rulemaking
Annual requests: approx 25-30
Annual records sold: approx 27,000

BMV – Bulk & Special Request Data:
Data available to purchase includes vehicle title, registration, and driver license data. In order to obtain personal information in these records (name, address, date of birth, license number), the purchaser must be eligible under the Driver Privacy Protection Act and sign an affidavit regarding their eligibility. Customers for this data vary but it is mostly national data brokers who have standing orders for monthly updates. These records are typically re-sold by those companies to insurance companies for underwriting purposes. Other customers include credit agencies and large local employers.
Fees: Entire reg, title, or license database - $.02 per record; sub-sets - $.06 per record
Fee set by: rulemaking
Annual requests: approx 300
Annual records sold: approx 7,175,000

The BMV bulk data service was part of the initial InforME SLA negotiated with the Secretary of State in 1999. SOS was unable to provide a sufficient per-record portal fee on online driver records to support the desired level of baseline portal staff, so SOS offered the bulk data service as supplementary baseline revenue to make up the difference. BMV had previously sold the bulk data themselves, at a financial loss due to staff time. When the service was moved to the portal, BMV increased the per-record fees and negotiated a flat monthly payment from InforME. This provided BMV more revenue and eliminated their staff impact. This service remains a core portion of the portal's funding.

CEC – Bulk & Special Request Corporations and UCC Data:
Data available to purchase includes corporate records, active/inactive corporations records, trademark records, trademark images, corporate/UCC images, UCC records. Standard record updates are available weekly or monthly. There are a handful of customers, primarily large national data brokers who have standing orders for updates.

Fees:
Bulk UCC and Corporate Data Full Data Monthly Data-sets

Batch Corporate & UCC Records	$600.00
Batch Active/Inactive Corporate & UCC Records	$1200.00
Batch Corporate & UCC Images	$1500.00
Batch Service/Trade Mark Records	$300.00
Batch Service/Trade Mark Images	$300.00

Bulk UCC and Corporate Data Weekly Updates Data-sets

Corporate Data	$300.00
Corporate Images	$500.00
Service/Trade Mark Data	$150.00
Service/Trade Mark Images	$150.00
UCC Data	$300.00
UCC Images	$500.00

Special Request Corporate & UCC Records $0.10 per record

Fee set by: rulemaking
Annual Requests: approx 100
Annual Records sold: n/a

State Police - Crash Reports:
Data available to purchase consists of state crash reports, including crash date, location, names, injury information, vehicle information, license status. There are just a few customers for this data, primarily large national entities that use this information for consumer protection and data broker services.
Fees: $0.50 per record
Fee set by: statute specifies that agency may set fees for crash records; fees set in rulemaking
Annual Requests: approx 25
Annual Records sold: approx 70,000

Board of Medicine – Bulk Physician Licensee Data:
Online service allows users to specific data parameters to create a downloadable file. These are typically one-time and specific requests.
Fees: $50 flat fee plus $.05 per record
Fee set by: rulemaking
Annual requests: approx 50
Annual records sold: approx 150,000

NAME	E-MAIL	TITLE/ ROLE	ORGANIZATION	PHONE
Attending June 22, 2010:				
Karla Black	Karla.black@maine.gov	Deputy Legal Counsel	Governor's Office	287-3531
Anna Broome	Anna.broome@legislature.maine.gov	Legislative Analyst	Office of Policy and Legal Analysis (OPLA)	287-1670
Terry Hayes	Terry@megalink.net; repterry.hayes@legislature.maine.gov	State Representative	State and Local Government Committee	689-5484
Gretchen Heldmann	hampdenmemaps@gmail.com	Chair	Maine GeoLibrary Board	862-4500
Kelly Hokkanen	kelly@informe.org	General Manager	InforME	621-2600
Marion Hylan Barr	Marion.hylanbarr@legislature.maine.gov	Legislative Analyst	OPLA, Right to Know Advisory Committee (RTKAC)	287-1683
Jim Lopatosky	Jim.lopatosky@maine.gov	Associate CIO for Applications	Office of Information Technology (OIT)	441-6731 cell
Greg McNeal	Greg.mcneal@maine.gov	Acting Chief Information Officer – Chair of the Stakeholders Group (as of July 1)	Office of Information Technology	215-7849 cell
Carolyn Russo	carolyn.russo@legislature.maine.gov	Legislative Analyst	OPLA, RTKAC	287-1670
Paul Sandlin	Paul.sandlin@maine.gov	Manager of E-Gov Services	OIT	624-9427
John Simpson	jsimpson@maine.rr.com		MacImage of Maine	846-0921
Michael Smith	Michael.smith@maine.gov	Manager	Maine Office of Geographic Information Systems, OIT	215-5530 cell
Eric Stout	Eric.stout@maine.gov	IT Project Manager (recorder for Stakeholder Group)	OIT	624-9981
Dick Thompson	brooks@fairpoint.net	Chief Information Officer (retiring July 31)	OIT	592-3521
Robin Watts	rdwatts@firstam.com	Maine State Counsel, First American Title Insurance Company	Maine State Bar Association	774-6884
Others invited (not attending June 22 meeting):				
Beverly Bustin-Hatheway	kcdeeds@kennebeccounty-me.gov	County Register of Deeds	Kennebec County Register of Deeds	622-0431

Cathie Curtis	Catherine.Curtis@maine.gov	Deputy Secretary of State for Bureau of Motor Vehicles	Secretary of State – Bureau of Motor Vehicles	624-9004
Bob Devlin	bgdevlin@kennebecso.com		Kennebec County Register of Deeds	622-0971
Donna Grant	Donna.E.Grant@maine.gov	Deputy Secretary of State for Information Systems	Secretary of State	624-9279
Bob Howe	howe@howecahill.com; howe@mainecounties.org		Kennebec County Register of Deeds	622-0431
Chris Parr	christopher.parr@maine.gov	Staff Attorney	Maine State Police	624-7205
Peggy Reinsch	Margaret.reinsch@legislature.maine.gov	Senior Analyst	OPLA, RTKAC	287-1673
Sara Stevens	repsara.stevens@legislature.maine.gov	State Representative	Judiciary Committee	287-1400

Statutes and Fees on Access to and Bulk Sale of Electronic Land Records

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
Alabama	Code of Ala. § 41-13-41, § 41-13-44 (2008)	Photocopying of records shall be centralized in the AL Dept. of Archives and History. The Department of Archives and History is authorized to charge any office, court, commission, board, institution, department or agency of the state for the photographing or microphotographing of public records belonging to that office, court, commission, board, institution, department or agency. Such charge shall be on a cost basis.	Unknown	Unknown
Alaska	Alaska Stat. § 40.25.110 (2008)	The fee for copies of records may not exceed the agency's standard unit cost for duplication. Each agency may establish a reasonable fee. If the personnel time needed to satisfy one requester's production of public records exceeds 5 hours, the requester must pay the personnel costs, not to exceed salary or actual costs. A public agency may reduce or waive a fee when the public agency determines that the reduction or waiver is in the public interest.	Yes (reasonable rules during regular hours)	Yes (reasonable fee; not exceed cost of duplication or actual costs)
Arizona	A.R.S. § 39-121.03 (2007)	If the request of public records is for commercial purposes, the requester must provide a statement describing the commercial purpose. The fee shall be a portion of the cost to the agency for furnishing the records, or a reasonable fee for the time and equipment used. The custodian may appeal to the governor if s/he believes the commercial purpose is a misuse of public records.	Unknown	Yes (portion of the cost or reasonable fee for time and equipment; special provisions for commercial purposes)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
Arkansas	A.C.A. § 25-19-105 (2008)	All public records must be made available for public inspection during regular office hours of the records custodian. A citizen may make a request for records in person, by telephone, by mail, by facsimile transmission, by electronic mail, or by other electronic means provided by the custodian. A citizen may request a copy of a record in any format which the record is available. The fee for public record copies may not exceed the actual cost of furnishing the copies. If the custodian determines the records are for primarily non-commercial purposes, the fee may be reduced or eliminated.	Yes (regular hours)	Yes (fee not to exceed actual cost)
California	Cal Gov Code § 6253 (2007)	All public agencies must adopt rules for making public records available. If the public record is in electronic format, the custodian shall make the record available in electronic format when requested. The cost of duplication shall be limited to the direct cost of duplication, or a statutory fee if applicable. If the record is not available in electronic format, the agency is not required to make it available electronically.	Yes (need to create local rule; example = San Bernardino local code is County Code 16.023A)	Yes (cost limited to direct cost of duplication or statutory fee if applicable)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
Connecticut	§1-211 and § 1-212	An agency that maintains public records in a computer storage system shall make the records available on paper or in any electronic means requested, if reasonable. The fee for a record provided by a state executive, administrative, or legislative office shall not exceed $0.25 per page. Records of all other agencies shall not exceed $0.50 per page, and shall not exceed the cost to the public agency. For electronic records, the fee shall be equal to the hourly salary of the employee locating the record, or the cost to the agency of hiring an outside electronic copying service, if necessary, and the cost of storage devices and computer time to provide the requested record. The fee may be waived if the requester is indigent or providing the records benefits the general welfare. An individual may copy a record by using a handheld scanner. The agency shall establish a fee structure not to exceed $10.00 for copying records using a scanner.	Yes	Yes (hourly salary of employee locating the record plus cost of storage devices and computer time)
Delaware	§ 10003	Each public agency shall establish rules and regulations and fees charged to access records.	Unknown	Yes (each agency to create rule and fees)
District of Columbia	§2-532	A public agency shall make a public record available in any format requested provided the requester pays the cost of producing the record in that format. The agency shall make reasonable efforts to search for the record in electronic format. Each agency may establish its own fees, not to exceed the actual cost of providing the record. The agency shall make the record available within 15 days of the request.	Yes	Yes (cost of producing in format requested)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
Florida	Fla. Stat. § 119.07 and § 28.24 (2009)	§ 119.07 - The records custodian may provide remote electronic access to records and shall protect the records from unauthorized remote electronic access. The records custodian may charge a fee for electronic access established in a contractual arrangement with the requester. The fee may include the direct and indirect costs of access. If the volume of the records requested is such that it would require extensive use of personnel time and technology resources, then an additional service fee may be imposed and any additional expenses in providing a room, if necessary. The custodian may supervise the photographing of public records. Copies are $0.15 one side plus $0.05 for second side -- these are paper record prices. Certified copy is at least $1.00 per document per Section 119.07(4)(c). However, it should be noted that Section 28.24(3) says $2.00 for certifying the document, plus $1.00 per page. § 28.24(28) – The clerk of the circuit court may provide the requested public record in electronic format. § 28.24(5) provides exact fees for paper copies ($1/page), plus microfilm ($42/100 foot roll) and microfiche ($3.50/fiche)	Yes (§ 28.222: land records always open for inspection and extraction under supervision of the recorder)	Yes (direct and indirect costs of access) Fees specified for paper, microfilm and microfiche; no specific fee set for electronic copies
Georgia	O.C.G.A. § 50-18-71; § 15-6-77 (2007)	§ 50-18-71 – Any person may access public records to make photographs or copies under the supervision of the records custodian. If there is no statutory fee for duplicating the records, the custodian may charge a fee not to exceed $0.25 per page. A reasonable hourly charge not to exceed the salary of the lowest paid full time employee may be charged for search and retrieval of records. If the record is stored on a computer, the custodian may charge for the disk or tape onto which the record is transferred and for any time involved.	Yes	Yes (not to exceed $0.25/page plus lowest hourly employee time plus media onto which records transferred)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
Hawaii	HRS § 92F-12; 171-6 (2007); Admin Rules 13-16-22 to 13-16-24	§ 171-6 – The board of land and natural resources shall have the power to set and collect reasonable fees for the preparation of documents and the issuance of certified public records. § 13-16-22 – The registrar may set fees for public records. The fees for a copy with the seal of office are $1, or $0.50 for records without an official seal. The registrar may authorize the use of microfilm. The fee for duplicating a microfilm record is $0.02 per frame.	Unknown.	Unknown (fees set for paper and microfilm)
Idaho	Idaho Code § 31-2419; § 31-3205 (2008)	§ 31-2419 –The recorder may provide access to electronic records on public access terminals. § 31-3219 – The county recorder and the district court clerk may charge $1.00 per page for copies of records. For duplication of recorded documents in excess of 100 pages or continuous copy requests for duplication of records using compact disc, zip disc, floppy disc or other electronic means, the fee shall be negotiated between the county recorder and the purchaser of records. The fee shall not exceed the costs to the county recorder for the retrieval and duplication of the record. These negotiated fees shall be recommended by the county recorder and approved by the board of county commissioners.	Yes	Yes (fees to be negotiated and approved by governing board)
Illinois	55 ILCS 5/5-1106 (2008)	Any county that provides public Internet access to records maintained in electronic form may also enter into a contractual arrangement for the dissemination of the same electronic data in bulk or compiled form. If, but only if, a county provides free Internet access to public records maintained in electronic form, the county may charge a fee for the dissemination of the electronic data in bulk or compiled form, but the fee may not exceed 110% of the actual cost, if any, of providing the electronic data in bulk or compiled form.	Yes	Yes (enter into contract; fee not to exceed 110% of actual cost)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
Indiana	Burns Ind. Code Ann. § 36-2-7-10.1	The county recorder shall collect the fees prescribed by this section for the sale of recorded documents in bulk form copies to bulk users of public records. The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the county recorder to bulk users. The county recorder shall charge bulk users the following for bulk form copies: (1) Seven cents ($0.07) per page for a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document. (2) Seven cents ($0.07) per recorded document for a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document.	Yes	Yes ($0.07/page including indices)
Iowa	§ 22.2 subsection 2	§ 22.2 – Public records shall be made available for inspection and copying. § 22.3 – The records custodian may adopt rules regarding the inspection and copying of records. The custodian may charge a reasonable fee, not to exceed the actual cost.	Yes	Yes (reasonable fee not to exceed actual cost)
Kansas	§ 45-219	§ 45-219 – Copies of public records may be made under the supervision of the custodian. Each public agency may charge reasonable fees, not to exceed $0.25 per page, for access to or copies of public records. Fees for computerized records may only include the cost of computer services and staff time.	Yes	Yes (not to exceed $0.25/page for paper?; fees for electronic only computer services and staff time)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
Kentucky	§ 61-874	If the agency keeps the records in electronic format, the requester may copy nonexempt records for noncommercial purposes in hard copy or electronic copy. The minimum standard format for electronic records shall be a flat file electronic American Standard Code for Information Interchange (ASCII) format. An alternate format may be used if it complies with the request. The public agency may charge a reasonable fee for copies of nonexempt records for noncommercial purposes, not to exceed actual cost. If the General Assembly has not prohibited disclosing public records intended to be used for commercial purposes, the public agency may charge a reasonable fee and may require a certified statement setting forth the requester's intended commercial purpose. It is unlawful to use public records for a commercial purpose without stating the commercial purpose for which the records are intended.	Yes	Yes (reasonable fee not to exceed cost and statement of commercial purpose)
Louisiana	La. R.S. § 44:32 (2008)	The custodian may collect reasonable fees for copies of public records. The custodian of records may establish uniform procedures for copying records. No fee is charged for reviewing the records. This section also requires the custodian to produce copies of computer disks when requested. Granger v. Litchfield, 645 So. 2d 1262, (1994).	Yes	Yes (reasonable fees and uniform procedure)
Maine	1 M.R.S. § 408 (2007)	Each public agency may charge a reasonable fee for copying records. It also may charge for the actual cost of searching for records, not to exceed $10 per hour.	Yes	Yes (reasonable fee and not to exceed $10/hour for search)
Maryland	Md. State Government Code Ann. § 10-621 (2008)	The Custodian may charge a reasonable fee for searching, preparing, or copying records. However, a fee may not be charged for the first 2 hours spent searching and preparing records.	Yes	Yes (reasonable fee and first 2 hours free)
Massachusetts	ALM GL ch. 262, § 38 (2008); ch. 66 § 10	§ 262-38 – All copies of records, whether copied from books or obtained electronically, shall be $1 per page. Copies from coin operated copy machines shall be $0.50 per page. § 66-10 – All public agencies shall allow public records to be inspected and shall furnish one copy for a reasonable fee. The requester shall pay the actual cost of searching for a public record. The custodian has 10 days to comply with a request to inspect a public record.	Yes	Yes ($1/page for electronic)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
Michigan	MCLS § 15.233 and § 15.234 (2008)§ 565.551, § 600.2567	§ 15.233 –Providing a computer printout of a record contained on computer tape does not satisfy the statutory duty to provide a requested record. Farrell v City of Detroit, 530 NW2d 105 (1995). § 15.234 – An agency may charge a fee for search, inspection, and/or copying public records. An agency may waive or reduce the fee if it determines it is in the public interest. The fee may not be more than the hourly wage of the lowest paid employee. Fees must be uniform. § 565.551 – For a copy other than a paper copy, the fee shall not exceed the reasonable costs. § 600.2567 – Recorder may charge $1 for paper copies.	Yes	Yes (reasonable costs for other than paper)
Minnesota	§13.03	Photographic, photostatic, or microfilmed records shall be accessible regardless of size. Each agency shall establish procedures for inspection of records. The public shall have the right to inspect electronic records through remote access to the data and shall have the ability to print or download records from an individual's own computer. If 100 or less pages of copies are requested, the fee shall not exceed $0.25 per page. For more pages, the fee shall be the actual cost. Any records stored in a computer storage medium shall be made available to the public in that same medium if reasonably possible.	Yes	Yes (if over 100 pages, fee to be actual cost)
Mississippi	Miss. Code Ann. § 25-61-7 (2008)	§ 25-67-7 – Each public agency may charge reasonable fees not to exceed the actual cost of searching, reviewing, and copying records. § 25-61-1 – Each agency must provide reasonable access to records stored electronically. An agency may establish a fee scale for reimbursement for creating or maintaining electronically accessible data. § 25-61-10 – An agency shall provide a record in the requested format if it maintains the record in the specified format.	Yes	Yes (agency may set fee scale for creating and maintaining electronically accessible data)
Missouri	§ 50.1190	The fee for copying public records is $2 for the first page and $1 for each additional page, or $5 for a copy of a plat or survey.	Yes	Yes (fees set for paper and now applied to electronic copies)
Montana	M.C.A. § 7-1-4144	The agency may charge reasonable fees for inspection.	Yes	Unknown

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
Nebraska	RRS Neb. § 25-1280	§ 84-712 – Individuals are permitted to inspect and copy using their own equipment any public records free of charge. Copies may be obtained in any format requested in which the record is maintained. The agency may charge a fee, not to exceed the actually cost, for providing the copy of the record. The actual cost of copies of electronic data shall include the cost of computer run time, programming, and producing the record in the requested format. The custodian is not required to produce a record in a format in which it is not maintained.	Yes	Yes (fee not to exceed actual cost, including computer time, media format, programming)
Nevada	NRSA § 239.010	§ 232.052 – An agency may charge a fee, which cannot exceed the actual cost, for providing a copy of a public record. The agency may waive a fee if it adopts a uniform procedure and posts it conspicuously. § 239.010 – Each agency must make its public records available for inspection during regular business hours. An individual may request a record in any medium which the record is available.	Yes	Yes (not to exceed actual cost)
New Hampshire	RSA § 41:24	§41:24 – The town clerk shall furnish records when requested.	Yes	No
New Jersey	N.J. Stat. § 47:1A-5	Copies of public records may be provided for a fee which shall be the actual cost of duplicating the record. The records custodian shall provide the public record in the medium requested if the agency maintains the record in that medium. If the agency does not maintain the record in that medium, it shall convert the record to the medium requested or provide the record in another meaningful medium. If the medium requested is one not routinely used by the agency, the agency may charge an additional fee.	Yes	Yes (actual cost of duplicating and may charge for media conversation)
New Mexico	N.M. Stat. Ann. § 14-2-9	To preserve the integrity or confidentiality of computer data in a database, a partial printout of data in computer records may be provided instead of the entire record. The fee for copies of public records shall not exceed $1.00 per page.	Yes (reasonable times)	Yes (not to exceed $1/page)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
New York	Public Officers Law § 87(1)(b); CPLR 8019	§ 8019 – The fee for copies of records shall be $0.65 per page. § 87(1)(b) – A public agency is required to produce electronic information if it can be made available in the format requested. However, if a record is only stored on paper, an agency is not required to provide the information electronically. For either paper or electronic copies of electronically stored records, the fee shall be the actual cost of reproduction.	Yes	Yes (for electronic, actual cost of reproduction)
North Carolina	§ 132-1 and § 132-6.2	§132-1 – Public record shall include documents, film, photographs, books, electronic records, etc. Copies of public records shall be made available to the public for "minimal cost" which shall mean the actual cost. § 132-6.2 – A person requesting copies of public records may obtain them in any format in which the agency is capable of providing them. No requests for records in a particular format may be denied on the grounds that the custodian prefers a different format. A public agency is not required to put into electronic format a record that is not already stored in electronic format The fee for an uncertified copy of a record may not exceed the actual cost, unless providing the record in the requested format requires greater use of resources.	Yes	Yes (not to exceed actual cost in that format)
North Dakota	Cent. Code § 44-04-18	Public agencies shall make records available during regular business hours. Upon request, the custodian shall provide one copy of a public record. There is no charge for access to electronic records if they may be recovered without the use of a computer backup. The agency may charge a reasonable fee for copies of electronic records. The agency is not required to create a record that does not exist. A custodian is not required to provide a record in a computer file if there is no means to separate confidential information.	Yes	Yes (reasonable fee)
Ohio	ORC Ann. § 149.43(B)	A requester of records may request a public record be provided on paper, in the same medium as it is stored, or in another medium reasonably available. Copies shall be provided at cost, including storage, labor, & equipment costs. Bulk data defined as 50+ images.	Yes	Yes (over 50 images = bulk; provide at cost including storage, labor and equipments costs)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
Oklahoma	(see Title 67 'Records' generally)	51 Ok. §24A5 – Public records must be made available, any exempt portions should be segregated. Records custodian may charge a fee for the reasonable cost of providing copies, which shall not exceed $0.25 per page. Charges for providing copies of electronic data to the news media for a news purpose shall not exceed the direct cost of making the copy	Yes	Yes (not to exceed $0.25/page; exception for news media at direct cost)
Oregon	ORS § 92.440	The records custodian must provide the requested public records for copying or inspection, or provide a statement of why the request cannot be fulfilled. If the record is available in electronic form, the custodian shall provide a copy in that format if requested. If the record is not available in the requested format, the custodian shall provide the record in whatever format the record is currently stored. The custodian may charge fees for compiling records or tailoring them to meet a specific request.	Yes	Unknown (fee for compiling to meet request?)
Pennsylvania	No statute or administrative reg found	.	Unknown	No
Rhode Island	Gen. Laws § 38-2-4	A public agency must provide copies of public records for a fee not to exceed $0.15 per page. The fee may not exceed the actual cost. The agency shall provide an estimate of the cost prior to providing copies of the record.	Yes	Yes (not to exceed actual cost and/or $0.15/page)
South Carolina	Code Ann. § 30-4-30	Every person has a right to inspect public records. The agency may charge fees not to exceed the actual cost of providing the record. The records must be provided in a format that is convenient for the requester and the public agency.	Yes	Yes (not to exceed actual cost)
South Dakota	SD Codified Laws § 1-27-1	§7-9-15 - The fee for copies of certified records shall be $2.00 plus $0.20 per page, or $1.00 and $0.20 per page for uncertified records. The Board of County Commissioners shall establish the fee for copies of microfilm. §1-27-1 Any license holder list maintained by the Dept. of Game, Fish, and Parks shall be made available for a reasonable fee. An automobile insurance provider may access to lists of licensed drivers to verify information.	Yes	Unknown

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
Tennessee	See Title 10-7-123 reasonable fee for electronic access	Each county official may provide computer and remote electronic access to records in that office stored on computer media. The official may charge a reasonable fee to recover the costs of providing access. No fee shall be charged to view electronic or other records at the place where they are maintained. Once an agency has created a remote electronic access information system, access must be given to anyone who requests it, even if the requester intends to use the information for proprietary purposes.	Yes (reasonable fee for access)	Unknown
Texas	Govt. Code § 552.261	The fee for a public record shall be a reasonable cost for reproducing the public information, including costs of materials, labor, and overhead. When the fee includes the cost of labor, the requester shall be provided with a written statement detailing the charge.	Yes	Yes (reasonable fee including materials, labor and overhead)
Utah	§ 17-21-18.5	The county recorder shall charge a reasonable fee for providing copies of any record or document.	Yes	Yes (reasonable fee)
Vermont	1 V.S.A. § 316	Anyone may inspect public records during regular business hours. The agency may charge for the actual cost of providing the copy of the record. The secretary of state shall adopt a uniform schedule of charges for state agencies. In establishing a charge, the secretary shall only consider the cost of paper or the electronic media on which the copy is made. The standard form for copies of electronic records shall be the format in which the record is maintained. An agency may convert paper records to electronic format, but is not required to.	Yes	Unknown (Secy of State sets for state agencies)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
Virginia	Va. Code Ann. § 2.2-3700	Public records shall be available for inspection during regular business hours. The fee for copies shall be a reasonable fee not to exceed the actual cost. Public records maintained in a computer database or electronic data processing system shall be made available at a reasonable cost. The agency shall make a reasonable effort to provide the record in the format requested. However, the agency will not be required to produce a record in a format not regularly used by the agency. Every public body of state government shall compile, and annually update, an index of computer databases that contains at a minimum those databases created by them on or after July 1, 1997.	Yes	Yes (reasonable not to exceed actual cost)
Washington	§ 42.56.070	Each agency shall make its records available for public inspection. Each agency shall post the cost per page for copies of records. An agency may not use staff salaries, benefits, or overhead charges in calculating the fee for copies.	Yes	Yes (must post fees; may not include salaries, benefits or overhead)
West Virginia	W.V. Code § 29B-1-3	Every person has a right to inspect public records. If the records requested are stored in magnetic, electronic or computer form, the custodian of the records shall make such copies available on magnetic or electronic media, if requested.	Yes	Yes (actual cost?)
Wisconsin	Wis. Stat. § 19.35	Public records that are not exempt shall be available for inspection. The agency is not required to take information from public records and compile it in a new format. The records custodian may impose a fee that does not exceed the actual cost.	Yes	Yes (not to exceed actual cost)
Wyoming	Wyo. Stat. § 16-4-204	A person may inspect and obtain copies of public records. The custodian may charge a reasonable fee for making copies.	Yes	Yes (reasonable fee)
TOTALS			45 Yes 5 Unknown	41 Yes 2 No 7 Unknown