

RIGHT TO KNOW ADVISORY COMMITTEE

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September 22, 2026

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Addendum: Survey responses from Maine Municipal Association and Maine School Management Association

RIGHT TO KNOW ADVISORY COMMITTEE

Tuesday, September 22, 2026

1:00pm

Location: State House, Room 228 (Hybrid Meeting)

Public access also available through the Maine Legislature's livestream:

<https://legislature.maine.gov/Audio/#228>

1. Introductions
2. Election of Chair
3. Review RTKAC duties and remote participation policy
4. Review and discussion of the Twentieth Annual Report of the Right to Know Advisory Committee and status of actions related to those recommendations
5. Review of new public records exceptions enacted or amended in the Second Regular Session of the 132nd Legislature
6. Public comment: suggested topics for RTKAC review in 2026
7. Discussion of personally-identifying information issue
8. Discussion of potential issues and topics for 2026
 - a. Continuation of review of existing public records exceptions
 - b. FOAA technology/AI uses and barriers
 - c. Public employee disciplinary records
 - d. Confidentiality of medical records/EMS reports
 - e. Confidentiality of information discussed in executive sessions
 - f. Burdensome FOAA requests/development of standardized mediation process for FOAA disputes
 - g. PII issue
 - h. Formation of subcommittees?
9. Discuss future meeting date(s)
10. Adjourn

Right to Know Advisory Committee

1 MRSA §411

Membership List *as of 1/15/26*

Name	Representation
Sen. Anne Carney, Chair	Senate member of Judiciary Committee, appointed by the President of the Senate
Rep. Rachel Henderson	House member of Judiciary Committee, appointed by the Speaker of the House
Amy Beveridge	Representing broadcasting interests, appointed by the President of the Senate
Jonathan Bolton	Attorney General's designee
Justin Chenette	Representing the public, appointed by the President of the Senate
Lynda Clancy	Representing newspaper and other press interests, appointed by the President of the Senate
<i>Vacant</i>	Representing municipal interests, appointed by the Governor
Julie Finn	Representing the Judicial Branch, designated by the Chief Justice of the Supreme Judicial Court
Betsy Fitzgerald	Representing county or regional interests, appointed by the President of the Senate
Jen Lancaster	Representing a statewide coalition of advocates of freedom of access, appointed by the Speaker of the House
Kevin Martin	Representing state government interests, appointed by the Governor
Judy Meyer	Representing newspaper publishers, appointed by the Speaker of the House
Jason Moen	Representing law enforcement interests, appointed by the President of the Senate
Tim Moore	Representing broadcasting interests, appointed by the Speaker of the House
Kim Monaghan	Representing the public, appointed by the Speaker of the House
Eric Stout	A member with broad experience in and understanding of issues and costs in multiple areas of information technology, appointed by the Governor
Cheryl Saniuk-Heinig	A member with legal or professional expertise in the field of data and personal privacy, appointed by the Governor
Connor P. Schratz	Representing school interests, appointed by the Governor

§411. Right To Know Advisory Committee

1. Advisory committee established. The Right To Know Advisory Committee, referred to in this chapter as "the advisory committee," is established to serve as a resource for ensuring compliance with this chapter and upholding the integrity of the purposes underlying this chapter as it applies to all public entities in the conduct of the public's business.

[PL 2005, c. 631, §1 (NEW).]

2. Membership. The advisory committee consists of the following members:

A. One Senator who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the President of the Senate; [PL 2005, c. 631, §1 (NEW).]

B. One member of the House of Representatives who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the Speaker of the House; [PL 2005, c. 631, §1 (NEW).]

C. One representative of municipal interests, appointed by the Governor; [PL 2005, c. 631, §1 (NEW).]

D. One representative of county or regional interests, appointed by the President of the Senate; [PL 2005, c. 631, §1 (NEW).]

E. One representative of school interests, appointed by the Governor; [PL 2005, c. 631, §1 (NEW).]

F. One representative of law enforcement interests, appointed by the President of the Senate; [PL 2005, c. 631, §1 (NEW).]

G. One representative of the interests of State Government, appointed by the Governor; [PL 2005, c. 631, §1 (NEW).]

H. One representative of a statewide coalition of advocates of freedom of access, appointed by the Speaker of the House; [PL 2005, c. 631, §1 (NEW).]

I. One representative of newspaper and other press interests, appointed by the President of the Senate; [PL 2005, c. 631, §1 (NEW).]

J. One representative of newspaper publishers, appointed by the Speaker of the House; [PL 2005, c. 631, §1 (NEW).]

K. Two representatives of broadcasting interests, one appointed by the President of the Senate and one appointed by the Speaker of the House; [PL 2005, c. 631, §1 (NEW).]

L. Two representatives of the public, one appointed by the President of the Senate and one appointed by the Speaker of the House; [PL 2015, c. 250, Pt. A, §1 (AMD).]

M. The Attorney General or the Attorney General's designee; [PL 2021, c. 313, §2 (AMD).]

N. One member with broad experience in and understanding of issues and costs in multiple areas of information technology, including practical applications concerning creation, storage, retrieval and accessibility of electronic records; use of communication technologies to support meetings, including teleconferencing and Internet-based conferencing; databases for records management and reporting; and information technology system development and support, appointed by the Governor; and [PL 2021, c. 313, §3 (AMD).]

O. One representative having legal or professional expertise in the field of data and personal privacy, appointed by the Governor. [PL 2021, c. 313, §4 (NEW).]

The advisory committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee.

[PL 2021, c. 313, §§2-4 (AMD).]

3. Terms of appointment. The terms of appointment are as follows.

A. Except as provided in paragraph B, members are appointed for terms of 3 years. [PL 2005, c. 631, §1 (NEW).]

B. Members who are Legislators are appointed for the duration of the legislative terms of office in which they were appointed. [PL 2005, c. 631, §1 (NEW).]

C. Members may serve beyond their designated terms until their successors are appointed. [PL 2005, c. 631, §1 (NEW).]

[PL 2005, c. 631, §1 (NEW).]

4. First meeting; chair. The Executive Director of the Legislative Council shall call the first meeting of the advisory committee as soon as funding permits. At the first meeting, the advisory committee shall select a chair from among its members and may select a new chair annually.

[PL 2005, c. 631, §1 (NEW).]

5. Meetings. The advisory committee may meet as often as necessary but not fewer than 4 times a year. A meeting may be called by the chair or by any 4 members.

[PL 2005, c. 631, §1 (NEW).]

6. Duties and powers. The advisory committee:

A. Shall provide guidance in ensuring access to public records and proceedings and help to establish an effective process to address general compliance issues and respond to requests for interpretation and clarification of the laws; [PL 2005, c. 631, §1 (NEW).]

B. Shall serve as the central source and coordinator of information about the freedom of access laws and the people's right to know. The advisory committee shall provide the basic information about the requirements of the law and the best practices for agencies and public officials. The advisory committee shall also provide general information about the freedom of access laws for a wider and deeper understanding of citizens' rights and their role in open government. The advisory committee shall coordinate the education efforts by providing information about the freedom of access laws and whom to contact for specific inquiries; [RR 2005, c. 2, §1 (COR).]

C. Shall serve as a resource to support the establishment and maintenance of a central publicly accessible website that provides the text of the freedom of access laws and provides specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. The website must include the contact information for agencies, as well as whom to contact with complaints and concerns. The website must also include, or contain a link to, a list of statutory exceptions to the public records laws; [RR 2005, c. 2, §1 (COR).]

D. Shall serve as a resource to support training and education about the freedom of access laws. Although each agency is responsible for training for the specific records and meetings pertaining to that agency's mission, the advisory committee shall provide core resources for the training, share best practices experiences and support the establishment and maintenance of online training as well as written question-and-answer summaries about specific topics. The advisory committee shall recommend a process for collecting the training completion records required under section 412, subsection 3 and for making that information publicly available; [PL 2007, c. 576, §1 (AMD).]

E. Shall serve as a resource for the review committee under subchapter 1-A in examining public records exceptions in both existing laws and in proposed legislation; [PL 2005, c. 631, §1 (NEW).]

F. Shall examine inconsistencies in statutory language and may recommend standardized language in the statutes to clearly delineate what information is not public and the circumstances under which that information may appropriately be released; [PL 2005, c. 631, §1 (NEW).]

G. May make recommendations for changes in the statutes to improve the laws and may make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and regional governmental entities with regard to best practices in providing the public access to records and proceedings and to maintain the integrity of the freedom of access laws and their underlying principles. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the advisory committee's recommendations; [PL 2005, c. 631, §1 (NEW).]

H. Shall serve as an adviser to the Legislature when legislation affecting public access is considered; [PL 2005, c. 631, §1 (NEW).]

I. May conduct public hearings, conferences, workshops and other meetings to obtain information about, discuss, publicize the needs of and consider solutions to problems concerning access to public proceedings and records; [PL 2005, c. 631, §1 (NEW).]

J. Shall review the collection, maintenance and use of records by agencies and officials to ensure that confidential records and information are protected and public records remain accessible to the public; and [PL 2005, c. 631, §1 (NEW).]

K. May undertake other activities consistent with its listed responsibilities. [PL 2005, c. 631, §1 (NEW).]

[PL 2007, c. 576, §1 (AMD).]

7. Outside funding for advisory committee activities. The advisory committee may seek outside funds to fund the cost of public hearings, conferences, workshops, other meetings, other activities of the advisory committee and educational and training materials. Contributions to support the work of the advisory committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution shall certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the advisory committee's activities. Such a certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the advisory committee.

[PL 2005, c. 631, §1 (NEW).]

8. Compensation. Legislative members of the advisory committee are entitled to receive the legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the advisory committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the advisory committee.

[PL 2005, c. 631, §1 (NEW).]

9. Staffing. The Legislative Council shall provide staff support for the operation of the advisory committee, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session. In addition, the advisory committee may contract for administrative, professional and clerical services if funding permits.

[PL 2005, c. 631, §1 (NEW).]

10. Report. By January 15, 2007 and at least annually thereafter, the advisory committee shall report to the Governor, the Legislative Council, the joint standing committee of the Legislature having jurisdiction over judiciary matters and the Chief Justice of the Supreme Judicial Court about the state of the freedom of access laws and the public's access to public proceedings and records.

[PL 2005, c. 631, §1 (NEW).]

SECTION HISTORY

RR 2005, c. 2, §1 (COR). PL 2005, c. 631, §1 (NEW). PL 2007, c. 576, §1 (AMD). PL 2015, c. 250, Pt. A, §§1, 2 (AMD). PL 2021, c. 313, §§2-4 (AMD).

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Status of Recommendations from the Twentieth Annual Report of the Right to Know Advisory Committee

September 2026

Prepared by the Office of Policy & Legal Analysis

Amend certain provisions of law in Titles 25, 26, 27, 28-B, 29-A, and 32 relating to previously enacted public record exceptions.

- ❖ See attached legislation, LD 2219, An Act to Implement the Recommendations of the Right to Know Advisory Committee Concerning Certain Existing Public Records Exceptions (enacted as PL 2025, chapter 659).
 - Two recommendations were omitted: the Title 27 item related to personally identifiable information relating to parents and children participating in the Imagination Library of Maine Program and the Title 28-B item related to personal contact information of applicants for adult use cannabis establishment license and employees of those establishments.

Should the Judiciary Committee move forward in implementing a public records exception to make confidential the identities of railroad employees who are involved in an accident, the Committee should consider narrowly tailoring the exception to apply to personally identifiable information.

- ❖ The Judiciary Committee did not take up this matter in the Second Regular Session of the 132nd Legislature.

Continue examination of the exception found at 1 MRS §402, sub-§3, ¶H, which provides that medical records and reports of municipal ambulance and rescue units and other emergency medical service units are confidential.

- ❖ RTKAC to decide whether to continue discussions about exceptions related to confidentiality of medical records and EMS reports.

Continue discussions regarding public employee disciplinary records by looking specifically at the interaction between tiered systems of record retention; defining different levels of discipline in terms of severity; and examining whether consistency among definitions should be established at the entity level, at the statutory level, or at the state agency level.

- ❖ RTKAC to decide whether to continue discussions related to public employee disciplinary records, tiered systems of record retention, definition(s) of “discipline”, and consistency among definitions.

Amend Title 20-A, section 13025 to require a school entity to notify the Department of Education immediately if a credential holder who is facing allegations that are the subject of, or would have triggered a covered investigation, leaves the school entity’s employment for any reason prior to the conclusion of the covered investigation.

- ❖ During the Second Regular Session of the 132nd Legislature, Senator Peggy Rotundo introduced LD 2192, “An Act to Protect Students by Ensuring Schools Have Complete Information About School Employees and Applicants for Employment” (later amended to

“An Act Regarding School Employee Investigations”). The bill was ultimately enacted as Public Law 2025, chapter 697 (attached). In summary, PL 2025, ch. 697 does the following:

- It requires superintendents to initiate an investigation upon receipt of a complaint of alleged misconduct by a school employee and requires that the investigation must be completed, even if the subject of the investigation resigns;
- It requires the Maine Department of Education to enter a notation on a school employee’s educator credential upon notification of an investigation into that employee’s conduct. The notation must be visible to other school administrators that may review the employee’s credentials and must be updated upon conclusion of the investigation;
- It requires schools to review an applicant’s credential prior to hiring; and
- It requires that, if an employee is found to have committed misconduct, information related to the investigation must be disclosed to the department and to any school that requests it.

The law also requires the department and stakeholders to form a working group to continue examining the process and submit a report to the Joint Standing Committee on Education with data on investigations and additional recommendations.

Request that the Maine School Management Association work with school districts to encourage the adoption of a question in their hiring forms asking if a potential employee has ever resigned over allegations of misconduct or an investigation into misconduct from a previous employer.

❖ Letter sent; see above.

Request that the Maine Municipal Association, Maine County Commissioners Association and Maine School Management Association distribute surveys regarding use of technology, including artificial intelligence, in responding to FOAA requests, and that the Maine School Management Association include in that distribution district technology directors. Survey results will be compiled by committee staff in advance of next year’s convening of the Advisory Committee.

❖ See attached responses.

Continue the Technology Subcommittee in the 21st Right to Know Advisory Committee in 2026 to monitor any actions taken to advance the recommendations of the Maine Artificial Intelligence Task Force report and to monitor the rapid development of artificial intelligence (AI), particularly in its use by public entities and the intersection of AI and FOAA. Arrange a presentation, during the 21st Right to Know Advisory Committee, in which a vendor provides overview of the technology available to states for public records, exploring how other states use technology, including but not limited to AI, to assist in retaining, searching and distributing public records (e.g., Indiana).

❖ RTKAC to decide whether to continue discussions related to technology and the intersection of FOAA and artificial intelligence.

Continue to examine the adoption of language relating to executive sessions and the confidentiality of information discussed at executive sessions. Request feedback from the Education and State and Local Government joint standing committees.

- ❖ RTKAC to decide whether to continue examination of language related to executive sessions and confidentiality of information discussed at executive sessions.

Request information from police chiefs regarding possible amendment of 1 MRSA §412, sub-§4 to require Chiefs of Police to complete FOAA training, for consideration by the Advisory Committee next year.

- ❖ Letter sent, no information received; follow up?

Continue the Burdensome FOAA Requests Subcommittee in the 21st Right to Know Advisory Committee in 2026, continue discussions regarding the adoption of a FOAA request mediation process, and, during the period prior to the convening of the 21st Advisory Committee, direct staff and a designated member of the Committee to consult with the Public Access Ombudsman regarding a mediation process.

- ❖ RTKAC to decide whether to continue the Burdensome FOAA Requests Subcommittee and discussions related to a FOAA mediation process.

Prior to the convening of the 21st Right to Know Advisory Committee, research whether the Advisory Committee is authorized by statute to recommend that the Judiciary Committee amend the statutes governing access to court records in child protection cases.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
H.P. 1496 - L.D. 2219

**An Act to Implement the Recommendations of the Right To Know Advisory
Committee Concerning Certain Existing Public Records Exceptions**

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

Sec. 1. 25 MRSA §1577, sub-§2, as amended by PL 2003, c. 393, §6, is further amended to read:

2. ~~Access to records~~ Permissible disclosure. ~~The following persons or agencies may have access to DNA records~~ may be disclosed to the following persons or agencies:

- A. Local, county, state and federal criminal justice and law enforcement agencies, including forensic laboratories serving the agencies, for identification purposes that further official criminal investigations;
- B. The FBI for storage and maintenance of CODIS;
- C. Medical examiners and coroners for the purpose of identifying remains; and
- D. A person who has been identified and charged with a criminal offense or a juvenile crime as a result of a search of DNA records stored in the state DNA data base. A Disclosure to a person who has been identified and charged with a criminal offense or a juvenile crime has access only is limited to that person's records and any other records that person is entitled to under the Maine Rules of Evidence Unified Criminal Procedure.

Sec. 2. 26 MRSA §685, sub-§3, ¶A, as enacted by PL 1989, c. 536, §§1 and 2 and affected by c. 604, §§2 and 3, is amended to read:

A. Unless the employee or applicant consents, all information acquired by an employer in the testing process is confidential and may not be ~~released~~ disclosed to any person other than the employee or applicant who is tested, any necessary personnel of the employer and a provider of rehabilitation or treatment services under subsection 2, paragraph C. This paragraph does not prevent:

- (1) The ~~release~~ disclosure of this information when required or permitted by state or federal law, including ~~release~~ disclosure under section 683, subsection 8, paragraph D; or

- (2) The use of this information in any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of test results.

Sec. 3. 29-A MRSA §253, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§253. Confidentiality of nongovernment vehicle records

Upon receiving a written request by an appropriate criminal justice official and showing cause that it is in the best interest of public safety, the Secretary of State may determine that records of a nongovernment vehicle ~~may be held~~ are confidential for a specific period of time, which may not exceed the expiration of the current registration.

Sec. 4. 29-A MRSA §1301, sub-§6-A, as amended by PL 2023, c. 257, §13, is further amended to read:

6-A. Confidentiality. Except as required by 18 United States Code, Section 2721(b) or as needed to implement the federal National Voter Registration Act of 1993, the federal Help America Vote Act of 2002 or other federal election law, the Secretary of State may not ~~disseminate~~ disclose information collected under subsection 6. For every willful violation of this subsection, a person commits a civil violation for which a fine of not more than \$500 may be adjudged.

Sec. 5. 29-A MRSA §2251, sub-§7-A, ¶B, as amended by PL 2023, c. 235, §9, is further amended to read:

B. Except as provided in paragraph B-1 and Title 16, section 805-A, subsection 1, paragraph F, ~~the Department of Public Safety, Bureau of State Police may not publicly disseminate~~ personally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police are confidential. ~~Such data are not public records for the purposes of Title 1, chapter 13.~~

Sec. 6. 29-A MRSA §2251, sub-§7-A, ¶B-1, as enacted by PL 2011, c. 654, §8, is amended to read:

B-1. The Department of Public Safety, Bureau of State Police may ~~disseminate~~ disclose a vehicle registration plate number contained in an accident report database maintained, administered or contributed to by the Bureau of State Police to a person only if that person provides the Bureau of State Police an affidavit stating that the person will not:

- (1) Use a vehicle registration plate number to identify or contact a person; or
- (2) ~~Disseminate~~ Disclose a vehicle registration plate number to another person.

Sec. 7. 29-A MRSA §2251, sub-§7-A, ¶C, as amended by PL 2011, c. 662, §19, is further amended to read:

C. ~~The Department of Public Safety, Bureau of State Police may publicly disseminate nonpersonally~~ Nonpersonally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police are not confidential. The cost of furnishing a copy of such data is not subject to the limitations of Title 1, section 408-A.

Sec. 8. 32 MRSA §2600-A, as enacted by PL 2001, c. 214, §1, is amended to read:
§2600-A. Confidentiality of personal information of applicant or licensee

An applicant or licensee shall provide the board with a current professional address and telephone number, which will be their public contact address, and a personal residence address ~~and, telephone number and e-mail address~~. An applicant's or licensee's personal residence address ~~and, telephone number is and e-mail address are~~ confidential information and may not be disclosed except as permitted by this section or as required by law, ~~unless, If the personal residence address and telephone number have been provided as the public contact address, the personal residence address and telephone number are not confidential.~~ Personal health information submitted as part of any application is confidential information and may not be disclosed except as permitted by this section or as required by law. The personal health information and personal residence address ~~and, telephone number and e-mail address~~ may be provided to other governmental licensing or disciplinary authorities or to any health care providers located within or outside this State that are concerned with granting, limiting or denying a physician's employment or privileges.

Sec. 9. 32 MRSA §2600-E, sub-§1, as enacted by PL 2019, c. 499, §2, is amended to read:

1. Request for record; redaction. When the board receives a request to inspect or copy all or part of the record of an applicant or licensee, the board shall redact confidential information ~~that is not public~~ before making the record available for inspection or copying.

Sec. 10. 32 MRSA §6080, sub-§1, as enacted by PL 2023, c. 662, §2, is amended to read:

1. Confidentiality and prohibited disclosure. Except as otherwise provided in ~~subsection 2~~ this section, all information or reports obtained by the administrator from an applicant for a license, licensee or authorized delegate and all information contained in or related to an examination, investigation, operating report or condition report prepared by, on behalf of or for the use of the administrator, or financial statements, balance sheets or authorized delegate information, are confidential and are not subject to disclosure under Title 1, chapter 13.

Sec. 11. 32 MRSA §6080, sub-§2, as enacted by PL 2023, c. 662, §2, is amended to read:

2. Authorized disclosure. The administrator may disclose confidential information ~~not otherwise subject to disclosure under subsection 1~~ to representatives of state or federal agencies who certify in a record that they will maintain the confidentiality of the information or if the administrator finds that the release is reasonably necessary for the protection and interest of the public.

Sec. 12. 32 MRSA §16808, as enacted by PL 2019, c. 17, §1, is amended to read:
§16808. Records

A broker-dealer or investment adviser shall provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to the Department of Health and Human Services and to a law enforcement agency as part of a referral to the department or to a law enforcement agency or upon request of the department or a law enforcement agency pursuant to an investigation. The records may include

historical records and records relating to recent transactions that may constitute financial exploitation of an eligible adult. All records made available to agencies under this section are ~~not public records for purposes of Title 1, chapter 13, subchapter 1~~ confidential. ~~Nothing in this~~ This section limits does not limit or otherwise ~~impedes~~ impede the authority of the administrator to access or examine the books and records of broker-dealers and investment advisers as otherwise provided by law.

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

S.P. 893 - L.D. 2192

An Act Regarding School Employee Investigations

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation directs the Department of Education to convene a working group to further examine the issue of investigations into the conduct of school employees and determine whether additional procedures are necessary; and

Whereas, the working group must begin its work before the 90-day period expires in order that the work may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, schools will benefit from timely receipt of information related to procedures for employee investigations; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20-A MRSA §13025, as amended by PL 2023, c. 643, Pt. Z, §2, is further amended to read:

§13025. Investigations

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

B. "Covered investigation" means an investigation by a school entity into the conduct of a ~~holder of a credential~~ school employee that a school entity has a reasonable expectation would affect the ~~credential holder's~~ school employee's employment or contracted service because the alleged conduct involves alcohol; illegal drugs; physical abuse; emotional abuse; inappropriate contact between a ~~credential holder~~ school employee and a student; or a school employee and another school employee; harassment as described in Title 5, chapter 337-A; sexual assault as described in Title

17-A, chapter 11; stalking as described in Title 17-A, section 210-A; sexual exploitation of a minor as described in Title 17-A, chapter 12; or similar behavior that endangers the health, safety or welfare of a student or another school employee.

B-1. "School employee" means any person employed by a school, including, but not limited to, a credential holder, who is subject to the requirements of section 6103.

C. "School entity" means an approved private school, school administrative unit, public charter school, education service center, school in the unorganized territory or school operated by the State.

2. Subpoenas. When conducting an investigation relating to the credentialing of personnel under chapter 501 and this chapter and rules of the state board, the commissioner may issue subpoenas for education records relevant to that investigation.

2-A. Duties of superintendents. Upon receipt of a complaint related to alleged misconduct by a school employee, a superintendent of a school entity shall conduct a covered investigation. The superintendent shall notify the department immediately upon initiating a covered investigation. For the purposes of this subsection, misconduct means any conduct described in subsection 1, paragraph B.

3. Duties of school entities. A school entity shall immediately place on paid leave a school employee who is the subject of a covered investigation. A school entity shall notify the department immediately if a ~~credential holder~~ school employee who is the subject of a covered investigation leaves the school entity's employment for any reason prior to the conclusion of the covered investigation. A school entity shall complete a covered investigation, even if the subject of the investigation resigns, is terminated or otherwise leaves employment with the school entity prior to the conclusion of the investigation. A school entity shall notify the department immediately of the findings and final outcome of any covered investigation, including, but not limited to, if the school entity determines that the allegations of misconduct were false or unsubstantiated or if a ~~credential holder~~ school employee is disciplined, suspended or terminated as a result of a covered investigation in which the school entity determined that a student's or another school employee's health, safety or welfare was endangered. The school entity shall provide to the department any final report produced in support of the school entity's decision to discipline, suspend or terminate the ~~credential holder~~ school employee. The ~~credential holder~~ school employee who is the subject of the report may submit to the department a written rebuttal to the report. The written rebuttal must be placed in the department's investigative file.

Prior to offering employment to an applicant, a school entity shall review the applicant's educator credentialing records or other school employee records maintained by the department to determine whether the applicant holds a valid and active certification appropriate for the position or is otherwise eligible for employment and whether any notation has been entered on the applicant's records pursuant to subsection 4, paragraphs D and E, and, if so, the current status of that notation.

4. Duties of department. The department shall act in accordance with this subsection.

A. The department shall notify the superintendent or chief administrative officer of a school entity within 15 business days of the department's initiating an investigation into a ~~holder of a credential~~ school employee who works for the school entity and shall notify the school entity immediately if the department takes action ~~on that credential~~

against the school employee. Within 5 business days after completion of an investigation, the department shall notify each school entity for which the ~~credential holder~~ school employee works of the final outcome of the investigation, including, but not limited to, any actions taken, and shall provide to the school entity any final written decision.

B. Immediately upon receipt from a school entity of notification pursuant to subsection 3 of the discipline, suspension or termination of a ~~credential holder~~ school employee, or the leaving of employment by a ~~credential holder~~ school employee prior to the completion of a covered investigation of that ~~credential holder~~ school employee, the department shall notify the superintendent or chief administrative officer of all other school entities for which the ~~credential holder~~ school employee works, as reported to the department under section 13026, that the ~~credential holder~~ school employee was disciplined, suspended or terminated as a result of a covered investigation, or that the ~~credential holder~~ school employee left employment prior to completion of a covered investigation. ~~If a credential holder provides consent as part of that credential holder's application for employment with a school entity, the department shall notify the superintendent or the chief administrative officer of that school entity if that credential holder left employment with a school entity prior to the completion of a covered investigation of that credential holder.~~

C. The department shall destroy copies of all records and reports related to a finding resulting in discipline, suspension or termination of a ~~credential holder~~ school employee if the finding resulting in that discipline, suspension or termination is reversed upon appeal at the school entity level.

D. Upon receipt of notification from a school entity pursuant to subsection 3 of the initiation of a covered investigation, the department shall enter a notation on the educator credentialing records or other school employee records maintained by the department for that school employee indicating that a covered investigation is pending. The notation must be visible to superintendents and other authorized school administrators reviewing school employee records maintained by the department. For the purposes of this paragraph, "authorized school administrator" means a superintendent or any individual the superintendent designates to have superintendent-level capabilities in the department's online credentialing system.

E. Upon receipt from a school entity of the outcome of a covered investigation, the department shall:

(1) If the investigation concludes with a finding that by a preponderance of the evidence the school employee committed misconduct, update the notation entered pursuant to paragraph D to reflect that finding; or

(2) If the investigation concludes, after all appeal rights are exhausted, with a finding that the school employee did not commit misconduct, remove the notation entered pursuant to paragraph D.

5. Confidentiality. The department may share information that is confidential pursuant to section 6101 or 13004 with a school entity in accordance with subsection 4. A school entity that receives confidential information shall maintain the confidentiality of that information.

7. Certification hearing officers; immunity. The commissioner shall appoint a certification hearing officer for covered investigations. For the purposes of this section, while carrying out their official duties, certification hearing officers appointed pursuant to this subsection are considered state employees and are entitled to the immunity provided state employees under the Maine Tort Claims Act.

8. Required disclosure of substantiated investigation regardless of agreement. Notwithstanding any confidentiality clause or any agreement between the school entity and a school employee, if, by a preponderance of the evidence, a school entity determines through its covered investigation pursuant to subsection 3 that a school employee committed misconduct, the information pertaining to that covered investigation and findings of misconduct must be disclosed to the department and to any school entity that requests that information.

Sec. 2. Department of Education to convene working group; report. The Department of Education shall convene a working group to review the procedures for investigations of credential holders in schools in accordance with this section.

1. The working group shall review how the investigation procedures established in the Maine Revised Statutes, Title 20-A, section 13025 are being used in approved private schools, school administrative units, public charter schools, education service centers, schools in the unorganized territory and schools operated by the State. The working group shall make recommendations to improve reporting requirements and the process by which investigations are conducted.

2. The working group must include, but is not limited to, the following members:

- A. A member representing the Maine School Management Association;
- B. A member representing the Maine Education Association;
- C. A member who is a licensed attorney in the State and has expertise in employment law;
- D. A member representing the Maine Children's Alliance;
- E. A member representing the Maine Coalition Against Sexual Assault; and
- F. Any other stakeholders the department considers appropriate.

3. The department shall submit a report to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2027. The report must include the number of investigations reported to the department, the outcomes of those investigations, the number of preliminary and covered investigations, a summary of how mandated reporting requirements impact covered investigations, whether consequences for not reporting should be established, a summary of how the department identifies individuals during the employment process who have been subjects of covered investigations, a summary and recommendations on training for school employees to conduct investigations, a summary of findings related to current practices for investigations of credential holders and recommendations of the working group, including any suggested legislation, to improve those practices. The joint standing committee may report out a bill related to the report to the 133rd Legislature in 2027.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Proposed New Public Records Exception Reviews ~ Judiciary Committee
132nd Legislature, Second Regular Session

LD	Policy Committee	Subject	Statute	Request Date	Review Date	JUD Recommendation	Report Date	Final Disposition
2001	HHS	Records created during DHHS investigation of allegation of abuse or neglect at a licensed facility for children or adults	22 M.R.S. §7703(2)(B)	2/12/26	3/5/26	Approved	3/9/26	Enacted: P.L. 2025, ch. 594
2108	HHS	Records held by the Suicide Mortality Review Panel and the panel coordinator	22 M.R.S. §266(9)	2/10/26	3/5/26	Approved	3/9/26	Enacted: P.L. 2025, ch. 586
2149	HED	Sworn affirmation to the Maine State Housing Authority providing grounds for an exemption from a manufactured housing community or mobile home park transfer assessment fee	10 M.R.S. §9090-A(3-A) and §9094-B(3-A)	3/3/26	3/5/26	Recommended more narrow tailoring; specifically, applying exception only to proprietary information submitted by an applicant for an exemption on the basis that the entity, together with any affiliated or related entities, has a net worth of less than \$75,000,000. <i>Note: HED narrowed the exemption to apply only to proprietary information in the sworn affirmation.</i>	3/9/26	Enacted: P.L. 2025, ch. 688
474	ENR	Proprietary information submitted by a producer of covered batteries or covered battery-containing products to the Department of Environmental Protection as part of the primary and rechargeable battery product stewardship program	38 M.R.S. §1617(14)	3/6/26	3/12/26	Approved	3/18/26	Enacted: P.L. 2025, ch. 608

Proposed New Public Records Exception Reviews ~ Judiciary Committee
132nd Legislature, Second Regular Session

LD	Policy Committee	Subject	Statute	Request Date	Review Date	JUD Recommendation	Report Date	Final Disposition
1457	TRA	Personally identifiable information about the registrant of a motor vehicle that allegedly violated the speed restrictions in an active work zone on the Maine Turnpike as detected through an automated (camera-based) speed control system (This resolve authorizes a 3-year pilot project for such an automated speed control system.)	Section 10 of the amended resolve	3/11/26	3/12/26 and 3/17/26	Recommended more narrow tailoring; specifically, that the system not maintain personally identifiable information for alleged violations found not to be violations on appeal and that, after a civil penalty has been paid, the system maintain only the license plate number for purposes of determining whether a subsequent violation is committed. <i>Note: TRA adopted these recommendations.</i>	3/18/26	Not enacted
2103	HHS	The following records in the possession of the Department of Health and Human Services: a hospital cybersecurity plan and a high-level summary of the results of an audit of that cybersecurity plan	22 M.R.S. §1832(2)(H)	3/17/26	3/17/26	Recommended more narrow tailoring; suggested adopting language similar to 1 M.R.S. §402(3)(L) and (M) regarding limited confidentiality of government agency security plans and risk assessments. <i>Note: HHS adopted this recommendation.</i>	3/18/26	Enacted: P.L. 2025, ch. 668
2097	HED	Complaints of misconduct against a code enforcement officer, replies to the complaints and investigation materials if the complaint could result in suspension or revocation of the CEO's certificate; however, the final written decision is public	30-A M.R.S. §4451-H	3/18/26	3/24/26	Recommend more appropriate tailoring; suggested that the exception apply to all complaints and investigative materials but not to the final decisions issued on those complaints. <i>Note: HED adopted this recommendation.</i>	3/25/26	Enacted P.L. 2025, ch. 684

Proposed New Public Records Exception Reviews ~ Judiciary Committee
132nd Legislature, Second Regular Session

LD	Policy Committee	Subject	Statute	Request Date	Review Date	JUD Recommendation	Report Date	Final Disposition
2236	IFW	Personally identifiable information in harvest records and in license, registration and permit records and databases as well as personally identifiable information in snowmobile and ATV accident reports	12 M.R.S. §10111; §13106-E; and §13157-D	3/24/26	3/24/26	Approved, with recommendation to extend to 100 years the time the personally identifiable information in harvest, license, registration and permit records remain confidential for purposes of the archives law. <i>Note: This recommendation was adopted through a floor amendment.</i>	3/25/26	Enacted: P.L. 2025, ch. 692
2196	HHS	Proprietary information submitted by hospitals to the Office of Affordable Healthcare for purposes of monitoring the hospital's compliance with the affordability requirements of LD 2196	5 M.R.S. §3122(3)(F)	3/25/26	3/26/26	Recommended more narrow tailoring; specifically, suggested adopting a process for identifying the specific portions of records from hospitals and insurers that is proprietary. <i>Note: HHS adopted this recommend. by providing for consultation with the Attorney General to identify proprietary information.</i>	3/27/26	Not enacted
1893	HHS	Records held by the Office of the Child Advocate — including child welfare records from Department of Health and Human Services and juvenile records from Department of Corrections — which must be kept confidential to the same extent as they are confidential currently	5 M.R.S. §26205 and §26206	3/25/26	3/26/26	Approved, with recommendation to amend the bill to extend to 100 years the time records of the Office of the Child Advocate remain confidential for purposes of the archives law. <i>Note: HHS adopted this recommendation.</i>	3/27/26	Enacted: P.L. 2025, ch. 724

Proposed New Public Records Exception Reviews ~ Judiciary Committee
132nd Legislature, Second Regular Session

LD	Policy Committee	Subject	Statute	Request Date	Review Date	JUD Recommendation	Report Date	Final Disposition
2025	MAR	Results of sample testing from facilities of aquaculture license or lease holders conducted by Department of Marine Resources unless results indicate risk to public health, will be used by Marine Patrol or will be used to deny or revoke/suspend a license	12 M.R.S. §6085-C	3/26/26	3/31/26	<i>Majority JUD report:</i> JUD lacks sufficient expertise to recommend appropriate tailoring but suggests also making complaints and sample testing notices confidential unless the testing results show a risk to public health. <i>Minority JUD report:</i> suggests not making any sample testing records or notices confidential. <i>Note: MAR did not make any changes in response.</i>	4/1/26	Enacted: P.L. 2025, ch. 672
2202	HCIFS	Information in a premerger report from a health care entity (as required by the federal Hart-Scott-Rodino Act) when submitted to the Office of the Attorney General of Maine, with certain exceptions permitting disclosure for antitrust enforcement activities	10 M.R.S. §1102-B(3)	3/26/26	3/31/26	Approved	4/1/26	Enacted: P.L. 2025, ch. 661
2201	HCIFS	Proprietary information submitted to Department of Health and Human Services or Office of Affordable Health Care for review of a material change transaction regarding a health care entity; also social security numbers and business identification numbers submitted to Maine Health Data Organization in a health care entity ownership report	22 M.R.S. §372(1)(C) & §372(3)(D) 22 M.R.S. §8710-A (4)(A)	3/31/26	3/31/26	Approved	4/1/26	Enacted: P.L. 2025, ch. 690

§402. Definitions

1. Conditional approval. Approval of an application or granting of a license, certificate or any other type of permit upon conditions not otherwise specifically required by the statute, ordinance or regulation pursuant to which the approval or granting is issued.

[PL 1975, c. 758 (NEW).]

1-A. Legislative subcommittee. "Legislative subcommittee" means 3 or more Legislators from a legislative committee appointed for the purpose of conducting legislative business on behalf of the committee.

[PL 1991, c. 773, §1 (NEW).]

2. Public proceedings. The term "public proceedings" as used in this subchapter means the transactions of any functions affecting any or all citizens of the State by any of the following:

A. The Legislature of Maine and its committees and subcommittees; [PL 1975, c. 758 (NEW).]

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Community College System and any of its committees and subcommittees; [PL 1989, c. 878, Pt. A, §1 (RPR); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

C. Any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision; [PL 1991, c. 848, §1 (AMD).]

D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [PL 1995, c. 608, §1 (AMD).]

E. The board of directors of a nonprofit, nonstock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees; [PL 2009, c. 334, §1 (AMD).]

F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter; and [PL 2009, c. 334, §2 (AMD).]

G. The committee meetings, subcommittee meetings and full membership meetings of any association that:

(1) Promotes, organizes or regulates statewide interscholastic activities in public schools or in both public and private schools; and

(2) Receives its funding from the public and private school members, either through membership dues or fees collected from those schools based on the number of participants of those schools in interscholastic activities.

This paragraph applies to only those meetings pertaining to interscholastic sports and does not apply to any meeting or any portion of any meeting the subject of which is limited to personnel issues, allegations of interscholastic athletic rule violations by member schools, administrators, coaches or student athletes or the eligibility of an individual student athlete or coach. [PL 2009, c. 334, §3 (NEW).]

[PL 2009, c. 334, §§1-3 (AMD).]

3. 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 an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, 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:

A. Records that have been designated confidential by statute; [PL 1975, c. 758 (NEW).]

B. Records that would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials if the records or inspection thereof were sought in the course of a court proceeding; [PL 1975, c. 758 (NEW).]

C. Legislative papers and reports until signed and publicly distributed in accordance with legislative rules, and records, working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the legislative session or sessions in which the papers or reports are prepared or considered or to which the paper or report is carried over; [PL 1991, c. 773, §2 (AMD).]

C-1. Information contained in a communication between a constituent and an elected official if the information:

(1) Is of a personal nature, consisting of:

(a) An individual's medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(b) Credit or financial information;

(c) Information pertaining to the personal history, general character or conduct of the constituent or any member of the constituent's immediate family; or

(d) Complaints, charges of misconduct, replies to complaints or charges of misconduct or memoranda or other materials pertaining to disciplinary action; or

(2) Would be confidential if it were in the possession of another public agency or official; [PL 2019, c. 667, Pt. A, §1 (AMD).]

D. Material prepared for and used specifically and exclusively in preparation for negotiations, including the development of bargaining proposals to be made and the analysis of proposals received, by a public employer in collective bargaining with its employees and their designated representatives; [PL 1989, c. 358, §4 (AMD).]

E. Records, working papers, interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy, the Maine Community College System and the University of Maine System when the subject matter is confidential or otherwise protected from disclosure by statute, other law, legal precedent or privilege recognized by the courts of this State. The provisions of this paragraph do not apply to the boards of trustees and the committees and subcommittees of those boards, which are referred to in subsection 2, paragraph B; [PL 2019, c. 667, Pt. B, §1 (AMD).]

F. Records that would be confidential if they were in the possession or custody of an agency or public official of the State or any of its political or administrative subdivisions are confidential if those records are in the possession of an association, the membership of which is composed

exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [PL 1991, c. 448, §1 (AMD).]

G. Materials related to the development of positions on legislation or materials that are related to insurance or insurance-like protection or services which are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [PL 1991, c. 448, §1 (AMD).]

H. Medical records and reports of municipal ambulance and rescue units and other emergency medical service units, except that such records and reports must be available upon request to law enforcement officers investigating criminal conduct; [PL 1995, c. 608, §4 (AMD).]

I. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter; [PL 1999, c. 96, §1 (AMD).]

J. Working papers, including records, drafts and interoffice and intraoffice memoranda, used or maintained by any advisory organization covered by subsection 2, paragraph F, or any member or staff of that organization during the existence of the advisory organization. Working papers are public records if distributed in a public meeting of the advisory organization; [PL 2019, c. 667, Pt. B, §2 (AMD).]

K. Personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or nonmandatory educational programs or services. This paragraph does not apply to records governed by Title 20-A, section 6001 and does not supersede Title 20-A, section 6001-A; [PL 2019, c. 667, Pt. A, §2 (AMD).]

L. Records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism, but only to the extent that release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public. Information contained in records covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. For purposes of this paragraph, "terrorism" has the same meaning as in Title 37-B, section 703, subsection 8; [PL 2025, c. 77, §1 (AMD).]

M. Records or information describing the architecture, design, access authentication, encryption or security of information technology infrastructure, systems and software, including records or information maintained to ensure government operations and technology continuity and to facilitate disaster recovery. Records or information covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure; [PL 2019, c. 667, Pt. A, §3 (AMD).]

N. Social security numbers; [PL 2011, c. 320, Pt. E, §1 (AMD).]

O. Personal contact information concerning public employees, except when that information is public pursuant to other law. For the purposes of this paragraph:

- (1) "Personal contact information" means personal address, telephone number, facsimile number, e-mail address, cellular telephone number, pager number and username, password and uniform resource locator for a personal social media account as defined in Title 26, section 615, subsection 4; and

(2) "Public employee" means an employee as defined in Title 14, section 8102, subsection 1, except that "public employee" does not include elected officials; [PL 2019, c. 667, Pt. B, §3 (AMD).]

P. Geographic information regarding recreational trails that are located on private land that are authorized voluntarily as such by the landowner with no public deed or guaranteed right of public access, unless the landowner authorizes the release of the information; [PL 2011, c. 149, §1 (AMD).]

REVISOR'S NOTE: (Paragraph P as enacted by PL 2009, c. 339, §3 is REALLOCATED TO TITLE 1, SECTION 402, SUBSECTION 3, PARAGRAPH Q)

Q. **(REALLOCATED FROM T. 1, §402, sub-§3, ¶P)** Security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events that are prepared for or by or kept in the custody of the Department of Corrections or a county jail if there is a reasonable possibility that public release or inspection of the records would endanger the life or physical safety of any individual or disclose security plans and procedures not generally known by the general public. Information contained in records covered by this paragraph may be disclosed to state and county officials if necessary to carry out the duties of the officials or the Department of Corrections under conditions that protect the information from further disclosure; [PL 2015, c. 335, §1 (AMD).]

R. [PL 2017, c. 163, §1 (RP).]

S. E-mail addresses obtained by a political subdivision of the State for the sole purpose of disseminating noninteractive notifications, updates and cancellations that are issued from the political subdivision or its elected officers to an individual or individuals that request or regularly accept these noninteractive communications; [PL 2015, c. 161, §1 (AMD).]

T. Records describing research for the development of processing techniques for fisheries, aquaculture and seafood processing or the design and operation of a depuration plant in the possession of the Department of Marine Resources; [PL 2017, c. 118, §1 (AMD).]

U. Records provided by a railroad company pursuant to Title 23, section 7311, subsection 5 and records describing hazardous materials transported by the railroad company in this State, the routes of hazardous materials shipments and the frequency of hazardous materials operations on those routes that are in the possession of a state or local emergency management entity or law enforcement agency, fire department or other first responder, except that records related to a train carrying hazardous materials that has derailed at any point from a main line train track or related to a discharge of hazardous materials transported by a railroad company that poses a threat to public health, safety and welfare are subject to public disclosure after that discharge. For the purposes of this paragraph, "hazardous material" has the same meaning as set forth in 49 Code of Federal Regulations, Section 105.5; [PL 2025, c. 99, §1 (AMD).]

V. Participant application materials and other personal information obtained or maintained by a municipality or other public entity in administering a community well-being check program, except that a participant's personal information, including health information, may be made available to first responders only as necessary to implement the program. For the purposes of this paragraph, "community well-being check program" means a voluntary program that involves daily, or regular, contact with a participant and, when contact cannot be established, sends first responders to the participant's residence to check on the participant's well-being; [PL 2025, c. 99, §2 (AMD).]

W. Information in the possession of a public utility, the Office of the Public Advocate or the Public Utilities Commission pertaining to an individual customer of a public utility as defined in Title 35-A, section 102, subsection 13 that is designated by rule as confidential by the Public Utilities Commission pursuant to Title 35-A, section 111; and [PL 2025, c. 99, §3 (NEW).]

X. Information in the possession of a public sewer system pertaining to an individual customer of a public utility as described in this paragraph. For purposes of this paragraph, "public sewer system" means a municipality, division of a municipality or quasi-municipal entity that is a municipal sewer department, a sewer district as defined in Title 38, section 1032, subsection 3 or 4, a system that collects stormwater or a sanitary district formed under Title 38, chapter 11.

(1) If the municipality, division of a municipality or quasi-municipal entity, referred to in this subparagraph as "the entity," is both a public sewer system and a water utility as defined in Title 35-A, section 102, subsection 22, information in the possession of the entity, the Office of the Public Advocate or the Public Utilities Commission pertaining to an individual customer of the public sewer system is confidential if that information would be confidential under paragraph W if the information pertained to an individual customer of a water utility.

(2) For all public sewer systems not described in subparagraph (1), information in the possession of the public sewer system pertaining to an individual customer of the public sewer system, including the customer's name, physical or mailing address, e-mail address, telephone number, utility usage, payment and credit history, financial condition or medical condition, or financial or medical condition of a member of the customer's family, is confidential and may not be disclosed by the public sewer system unless:

(a) The customer consents to the disclosure. For purposes of this division, the public sewer system may accept an oral certification from a social service agency that the customer has consented to the public sewer system's disclosure of the customer's information to the social service agency;

(b) The disclosure is made for the purpose of debt collection, credit reporting or usage reporting pursuant to state or federal law, except that the information may not be disclosed for purposes of debt collection or credit reporting purposes if the customer is currently protected by a protection from abuse order and the customer has disclosed the protection from abuse order to the public sewer system;

(c) The disclosure is made to a law enforcement officer or law enforcement agency pursuant to lawful process;

(d) The disclosure is made to state, county, tribal or local emergency management agency personnel when the information about the individual customer is requested while the agency is responding to an emergency situation;

(e) The disclosure is made to a public utility or public sewer system to the extent necessary to allow these entities to bill customers for services rendered; or

(f) The disclosure is otherwise required by state or federal law. [PL 2025, c. 99, §4 (NEW).]

[PL 2025, c. 77, §1 (AMD); PL 2025, c. 99, §§1-4 (AMD).]

3-A. Public records further defined. "Public records" also includes the following criminal justice agency records:

A. Records relating to prisoner furloughs to the extent they pertain to a prisoner's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, address of furlough and dates of furlough; [PL 2013, c. 267, Pt. B, §1 (AMD).]

B. Records relating to out-of-state adult probationer or parolee supervision to the extent they pertain to a probationer's or parolee's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, address of residence and dates of supervision; and [PL 2013, c. 267, Pt. B, §1 (AMD).]

C. Records to the extent they pertain to a prisoner's, adult probationer's or parolee's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, and current address or location, unless the Commissioner of Corrections determines that it would be detrimental to the welfare of a client to disclose the information. [PL 2013, c. 267, Pt. B, §1 (AMD).]

[PL 2013, c. 267, Pt. B, §1 (AMD).]

4. Public records of interscholastic athletic organizations. Any records or minutes of meetings under subsection 2, paragraph G are public records.

[PL 2009, c. 334, §4 (NEW).]

5. Public access officer. "Public access officer" means the person designated pursuant to section 413, subsection 1.

[PL 2011, c. 662, §3 (NEW).]

6. Reasonable office hours. "Reasonable office hours" includes all regular office hours of an agency or official.

[PL 2011, c. 662, §3 (NEW).]

SECTION HISTORY

PL 1973, c. 433, §1 (AMD). PL 1975, c. 243 (RPR). PL 1975, c. 483, §2 (AMD). PL 1975, c. 758 (RPR). PL 1977, c. 164, §§1,2 (AMD). PL 1977, c. 696, §9 (AMD). PL 1985, c. 695, §§1,2 (AMD). PL 1985, c. 779, §§1,2 (AMD). PL 1987, c. 20, §1 (AMD). PL 1987, c. 402, §A1 (AMD). PL 1987, c. 477, §1 (AMD). PL 1989, c. 358, §§1-4 (AMD). PL 1989, c. 443, §§1,2 (AMD). PL 1989, c. 878, §§A1,2 (AMD). PL 1991, c. 448, §§1,2 (AMD). PL 1991, c. 773, §§1,2 (AMD). PL 1991, c. 848, §1 (AMD). PL 1995, c. 608, §§1-5 (AMD). PL 1997, c. 714, §1 (AMD). PL 1999, c. 96, §§1-3 (AMD). PL 2001, c. 477, §1 (AMD). PL 2001, c. 675, §§1-3 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2003, c. 392, §§1-3 (AMD). PL 2003, c. 614, §§1-3 (AMD). PL 2005, c. 381, §§1-3 (AMD). PL 2007, c. 597, §1 (AMD). RR 2009, c. 1, §§1-3 (COR). PL 2009, c. 176, §§1-3 (AMD). PL 2009, c. 334, §§1-4 (AMD). PL 2009, c. 339, §§1-3 (AMD). PL 2011, c. 149, §§1-3 (AMD). PL 2011, c. 264, §1 (AMD). PL 2011, c. 320, Pt. E, §1 (AMD). PL 2011, c. 662, §§2, 3 (AMD). PL 2013, c. 267, Pt. B, §1 (AMD). PL 2013, c. 339, §§1-3 (AMD). PL 2013, c. 518, §§1-3 (AMD). PL 2015, c. 161, §§1-3 (AMD). PL 2015, c. 335, §1 (AMD). PL 2017, c. 118, §§1-3 (AMD). PL 2017, c. 163, §1 (AMD). PL 2019, c. 667, Pt. A, §§1-3 (AMD). PL 2019, c. 667, Pt. B, §§1-4 (AMD). PL 2023, c. 618, §1 (AMD). PL 2025, c. 77, §1 (AMD). PL 2025, c. 99, §§1-4 (AMD).

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Maine School Management Association Survey Responses

Respondent	Detail the technology currently used by the school district to retain records and/or respond to FOAA requests. Please include the technologies, referencing specific software/platforms/applications (e.g., Microsoft 365, Google Vault, etc.) used for: 1) record retention; 2) searching for records; 3) reviewing records; and 4) distributing records.
1	We retain both paper and digital records. We use Google Vault for all employee & student accounts. Powerschool retains all records for student accounts & staff, as well.
2	We currently use Google Vault for pulling emails. We do not use anything else specific for FOCC. Information may be pulled from file cabinets or directly from everyday software/files used such as NEO, Microsoft Office, PowerSchool, Fund Accounting, etc.
3	Tyler School ERP Pro (financials), transitioning to Google Vault for other records but not yet.
4	The district uses Google Vault to review emails for FOAA requests. Records are retained through the district email and data servers
5	ProFund, Tyler Technologies. Excel for all listed above.
6	Google Vault, and Backupify used for retaining and searching records. Google Vault used for reviewing and distributing records Thunderbird email client used for reviewing and distributing records. Preview is used for reviewing, redacting and distributing.
7	Google Vault, Munis, PowerSchool
8	Google Drive and hard copy files
9	Our district utilizes Google Workspace and our emails, etc. are archived with Google Vault.
10	1-3. School ARP, Google Vault 4. Google docs/sheets
11	Microsoft 365, Google Workplace Account
12	Tyler Technologies - ProFund
13	Google Vault, Mozilla Thunderbird
14	Google Vault, Adobe Acrobat Reader, SysTools Mac MBOX Converter, DocHub, email, district website
15	Infinite Visions, PowerSchool: Used for Purchasing History and Student Data. Google Email: Staff and Student Communications Microsoft Office: Spreadsheets and letters
16	The [district] uses Google Vault for record retention and searching for records. We export search results and import them into Microsoft Outlook for review. Records are typically distributed as printable PDF files.
17	Google Vault. If we had a records request we would use vault to collect records. Based off what I have heard as suggestions from others we would import those messages into a mailbox software to review contents for anything that may need to be redacted. If something did need to be redacted, at this time, I am not sure how I would be able to electronically redact while maintaining the file digitally as a collection. We might have to separate one document out from the "folder/group" or deliver that one file separately.
18	Google platform, google vault, platforms for HR and finance
19	We use Google Vault and DocumentLOK for student-related records, and PowerSchool SIS for student academic and demographic information.
20	most of our records requests involve vendors and finances, so our financial software and reports are the big factor. In terms of other records, google suites would be the other.
21	Most of our FOAA requests are for vendor records which can be found in Tyler ADS ProFund.
22	We do not have specific software for this purpose. We use Google Workspace.
23	[District] uses Google Workspace for education. Google vault is included in the licensing. 1) We archive inactive users. Information remains available for searching. 2) Using Vault, a matter is created and a query is constructed to pull the relevant information from the entire domain. 3)The data is extracted as a Outlook .pst file and usually printed as a pdf. Those records are reviewed by a district FOAA person and unrelated information or PII is redacted and removed. 4)The reviewed information is given to the requestor and additionally a copy of the request and information is posted on a FOAA requests page on the district website.
24	Google Applications for Education, Google Vault
25	Google Workspace (Vault); Reach My Teach messages. We don't have any tools available to assist in searching, reviewing or distributing records aside from what is available in Google and ReachMyTeach

26	All requested information is pulled from ProFund and exported into excel. These are reviewed and some info is removed when pertaining to employees.
27	Google Vault primary
28	Google technologies, business office platforms
29	Microsoft 365, cloud storage, excel,
30	Record retention: ADS Profund for financial records; Microsoft 365 and district electronic files for correspondence and documents. Searching for records: Manual searches performed within ADS Profund and district electronic files based on the scope of the request. Reviewing records: Records are reviewed manually by the Superintendent or designee. Distributing records: Records are typically provided electronically via email as PDF files or other electronic documents.
31	We use Google Vault for all listed. The retention is set to max for all areas. Email is all time.
32	Google Apps, InCode/Tyler Technologies, Microsoft
33	Google Workspace for Education - Google Vault & Google Investigation Tool
34	We do not use a specific technology to create these records.
35	Microsoft and our finance package
36	Google Vault.

Respondent	Who determines the technology used in the school district? What factors contribute to the decision-making process?
1	Superintendent, directors of teaching & learning, Tech Director, Education Technology Lead
2	Superintendent of Schools, Technology Director, and Special Education Director. Does the data reporting give us the detail we need.
3	Technology Director provides options for administration to use that satisfy both the need and the safety requirements necessary to protect all information.
4	The Director of Technology consults with the Superintendent on technology purchases for the district. Several factors are used to make a decision to include, cost, ease of use, and the ability of the software to interact with other software used in the district.
5	Finance and superintendent staff. We base it on what the programs provide and how complicated or easy they are to use.
6	Technology director with input from teachers, and administrators based on need and cost.
7	The decision was made years ago and we have continued with the system annually.
8	Technology Director consults and individual use is not consistent.
9	Decisions regarding technology use for the school district are a decision that would be made by superintendent along with appropriate district administrators. We would lens the use of technology as it relates to students from an instructional standpoint and appropriate use developmentally, etc. and as it supports strategic initiatives, student needs, and fits with best practice regarding meaningful engagement and in compliance with policy. As it relates to decisions regarding technology in other areas of operation for the schools, again, it would be with input of appropriate users, IT, administrators etc. and how it supports our operational and strategic needs. If policy is required then policy committee would review any recommendations and ultimately board approval.
10	Superintendent
11	The teachers, technology specialists, principal, and the school committee are adopting policies.
12	Superintendent and Business Manager
13	Technology Director, Network Administrator. Cost and efficiency are the main factors
14	Technology director, database manager, superintendent. Factors are ease of use, efficiency.
15	Technology Director and myself.
16	Google Vault was in place when I arrived. We are working toward getting Backupify configured to archive all of our Gmail and Google Drive files. We will switch over to Backupify for these tasks once it is properly configured. Factors that contribute to the decision-making process include product featur and cost.
17	It's a collaborative approach and depends on what the technology is and who it will impact. For items like infrastructure and backups that is the technology director. For items used in single classrooms that is the classroom teacher in collaboration with the technology director. For school wide educational programs that is educators, superintendents/curriculum coordinator and technology director.
18	Technology director, administrators, and school board
19	1. Leadership - Super, Asst. Super, Dir of Technology (sets the priorities & makes sure technology is compatible, safe, and secure). 2. Curriculum & Instruction Teams- Principals and teacher leaders (ensure support for instructional goals, learning standards, and classroom usability) 3. Principals & Teachers - (Provide important classroom-level input, participate in pilot program). Factors in decision-making: Educational alignment, budget and funding, data privacy & security, & Infrastructure compatibility)
20	the need.
21	Recommendations come from the Directory of Technology or are previously used systems.
22	Administrative Team (Superintendent, Business Manager/DOF, Technology Coordinator)
23	Technology Director, District Leadership Team, Superintendent. Factors include functionality, ability to work seamlessly with existing technology and cost.
24	The administrative team, including the Curriculum Coordinator, vets all software requests to assure that the tools (hardware and software) are being used to "enhance instruction." We also consider whether software is consistent with the adopted curriculum.

25	Superintendent, Assistant Superintendent, Building Administrators, IT Director. Ease of use, cost.
26	Technology is determined/researched by the tech director and team. Presented to Admin for discussion.
27	Technology Director / Superintendent
28	Tech Director-Superintendent- Ed Policy Committee-School Board
29	Superintendent, director of technology, administration, school board and individual needs
30	Technology decisions are made collaboratively by district administration and our technology provider based on district needs, cost, security, functionality, and available resources. Because we are a small district, purchasing specialized software solely for FOAA requests has not been a priority.
31	Collaboration amongst the technology director, school administration, teachers, and support staff via the budget process. Technology plan, student and employee needs, and cost considerations.
32	Technology committee comprised of teachers, administrators, a board member, a community member, student representatives. Administrative Team to include Tech Integrator. Board of Directors
33	Technology Director & Superintendent
34	
35	technology Committee for hardware and individual departments for software needs
36	The Technology Director, in conjunction with the superintendent. The budget always drives decision-making.

Respondent	How much does this technology cost?
1	Varies by tech used
2	Microsoft Office \$5,000 approximately every three years. Fund Accounting \$3,300.
3	Not sure as we are still exploring.
4	
5	\$27,000.
6	\$5,500 for Backupify. Other 3 are free.
7	Over 100,000 all systems combined. I can pull exact numbers if needed.
8	To the best of my knowledge, there is not a cost associated with it.
9	I am new to the district - do not have that information at this time.
10	\$35,000/year for ARP
11	\$10000 year
12	\$11,000
13	\$0
14	MBOX \$199/year, DocHub \$230/year
15	Most of the technology costs is provided by the MDOE so we estimate the total cost to be around \$2000 each year.
16	Google Vault is provided as part of our Google Workspace for Education domain. We have the Basic Workspace account; we do not pay anything for this. Backupify costs \$10,000/year for our district. This is the first fiscal year that we will be using this service.
17	This is too vague of a question to accurately answer. My best guess at what you are going for: We are on the free tier of Google workspace for education. Our curriculum tech subscriptions are around \$2,000 a year. Our Employee absence/timesheets and accounting software is around \$12,000. We do not currently pay for anything that helps with FOAA requests but likely would need a specialized software if we got a large request.
18	Minimum costs for education google platform
19	Google Vault is free to educational institutions; DocumentLOK hosted secure server for retention and retrieval \$6K yearly; PowerSchool SIS \$8K
20	150,000, including staffing, hardware, software
21	K-12 and Office: 15K
22	N/A
23	Vault is included in our Workspace licensing. It is not a separate cost. The real cost is the time needed to review and redact unrelated information or PII.
24	Our software for the FY27 year is slated at \$68,000, but this includes software that supports our technology infrastructure.
25	We pay for Google for Education licenses and also ReachMyTeach. I don't know what other tools are available to assist, or the cost.
26	We have multiple forms of technology but ProFund through Tyler Technologies is our accounting and operations software. This costs us \$26,000 per year.
27	500,000+
28	Varies depending on users
29	\$135,397 - tech support on site one day per week This does not include the financial software. Which is another \$30,000

30	The district does not purchase technology specifically for responding to FOAA requests. Existing district software systems (ADS Profund, etc.) are used as part of normal operations, so there is no separate cost attributable to FOAA compliance.
31	We currently use the free version of Google Workspace for Education, but the budget for next year has Education Plus in it and runs about \$6/user.
32	Well over \$20,000 but is in place for more than just FOAA request fulfillment.
33	We pay for Google for Education Plus - \$1,800 yearly
34	
35	The upgrade of our financial and personnel software for the AOS is 130,000 -schedule for next year - payable in four installments
36	I am unsure.

Respondent	Describe the ways in which the school district uses that technology to fulfill FOAA requests. Elaborate on the technology used, when it is used, and who uses the technology (i.e., is this person trained in the FOAA process?). If technology is not used to fulfill FOAA requests, describe the factors that contributed to the decision not to use technology for fulfilling FOAA requests and how FOAA requests are currently fulfilled.
1	
2	All FOAA information is pulled at the request of Superintendent. The Technology Director is the only person with access to Google Vault, which is only access at the request of the Superintendent.
3	Right now the biggest requests that we get are in regards to purchases. We use our financial system to gather the information. This is timely depending on the number of years of the request.
4	FOAA requests are first reviewed by the Superintendent who is responsible for communicating with the requester and meeting timelines as required by Maine law. Materials requested are assigned by the Superintendent or Assistant Superintendent to staff members that have access to the materials that are being requested. Emails are pulled using Google Vault. All other materials are pulled through the software where the materials are stored. The Superintendent and the Assistant superintendent review all final materials. The Superintendent communicates and provides the final materials to the requester.
5	Reports are run, based on request, from the software and exported to excel or pdf.
6	For large requests with multiple email accounts accessed, technology is used. Many requests are for PO and contract data. These are reviewed by the finance director, but all requests are responded to by the technology director. To review emails, a search is conducted in vault, results are exported to Thunderbird as .mbox and then converted to pdf and reviews and redacted in Preview.
7	I work with our Technology team and business team to search for requests. Our HR Director assists also.
8	I am not sure. I am new in this position.
9	I am new to the district, In checking with our Director for Information Technology, he indicated it has been a number of years since he was asked to support a FOAA request indicating that has not been an overwhelming issue for the district at least as it relates to technology. He indicated more requests that impact the need to search for items or archive are related to employment matters, then FERPA rather than necessarily FOAA.
10	The superintendent creates the letter that outlines what the FOAA request is for. That letter is shared with the operations manager in the business office. 98% of our requestions have been around vendors that we use. They search ARP for the vendor(s) and dates to fulfill the request. Then they review the document to ensure that anything that wasn't supposed to be shared didn't show up on the document. The business manager reviews it and then it is sent to the company.
11	The Google Workplace technology and a trained superintendent
12	Reports are run in the ProFund system to fulfill FOAA requests.
13	Search Google Vault, export the found messages to MBOX, open in Thunderbird on a RDP account on a server that is accessible to the administrator who needs to respond to the request.
14	Technology listed above is used by the data base manager, for pulling email records, and superintendent for reviewing. Financial software is used by Business manager to pull financial data. One FOAA request involved searching a box of physical records but we allowed the person to conduct their own search in the presence of staff in that case.
15	I handle all FOAA requests and utilize the different technologies listed in #5 to fulfill the requests.
16	FOAA requests are fulfilled by searching archived Gmail and Google Drive files that are stored in Google Vault. The Director of Technology conducts these searches and has received basic training In fulfilling FOAA requests. Further training would be greatly appreciated. FOAA requests typically originate from our district office. The Director of Technology is forwarded the request via Gmail.
17	Historically, 2 people have responded to FOAA requests. They are both trained by reading the FAQ on the Maine website. One request we referred the requester to the schools website. The other we did not digitally maintain the records requested.
18	Most FOAA requests have been looking for vendors lately. We also have requests for personnel. So searches for vendors in our billing platform and searching for people in our district financial, personnel platform

19	If technology is used, it is done by an IT professional. We run the parameters, download the data, and provide it to the executive secretary at the Superintendent's Office. All FOAA requests go through the executive office, and if information requires using the vault, they will contact the IT department to confidentially research, retrieve, and download needed FOAA requests. Many FOAA requests do not require the vault, such as financial requests or policies; this is all compiled at the superintendent's office they request from the appropriate personnel.
20	the biggest challenge is that the requests do not typically match the format of the records that are kept, so someone has to invest time in building the results.
21	FOAA requests are completed by the Superintendent. Enrollment data from PowerSchool, vendors from ProFund.
22	We are in survival mode with these requests, and we are finding it difficult to keep up.
23	1)As earlier described. We use Vault to construct queries to pull the information requested. We use Outlook to to provide the data in a universally compatible format that can be easily reviewed and disseminated. 2)We use it when we have a FOAA request that pertains to Google services, email, drive classroom, etc. 3)It is used by the district technology department when FOAA requests that require that data is requested.
24	The FOAA officer (Business Administrator in our case) and I provide the technology team with key words to identify email titles, content, and fields that correspond with the requested material. The Business Administrator would also comb through the payroll/purchasing software to identify relevant information.
25	If we get a FOAA request, the Superintendent typically asks the IT Director (me) to look for certain names or initials or email addresses in Vault and/or Reach My Teach if necessary. I have not been trained in the FOAA process. I extract the MBOX files from Vault and send those to the attorney. If I had to go through and print each email, it would take an eternity. For Reach My Teach, we're able to extract messages into a CSV file.
26	The finance director who has been trained through DWD responds to all requests for FOAA. All reports are generated from ProFund.
27	Google Vault primary, ADA and Aptafund secondary.
28	We run searches as requested for any and all material that can be found when records were kept electronically. Have not had time or resources to develop an alternative plan. Our FOAA person works with the Director of Tech and Director of Finance to find all requested records.
29	Apta Fund is the financial software. [The district] generates the reports requested. Sometimes this has to be imported or created in an Excel Spreadsheet. This creates a hardship in a small office.
30	The district fulfills FOAA requests primarily through manual processes. The Superintendent searches relevant systems, including ADS Profund for financial records and electronic files for correspondence and documents. Responsive records are reviewed manually to determine whether confidential information must be redacted before release. The district does not currently use dedicated FOAA management software or automated search tools. Due to the district's small size and (previously) low volume of FOAA requests, existing systems have been sufficient, although the process has been time-consuming.
31	We use Vault to search for Google related docs and emails.
32	We use technology to fulfill FOAA requests such as searches of email communications, Board minutes, procurement records, etc.
33	[The superintendent] does the FOAA requests using Google Vault and Google Investigation tool - exports the mbox files and passes those along to our lawyers for redaction of PII and any other non relevant information to the FOAA request
34	
35	Central Office personnel, not trained- completed through our own files along with financials from our financial package, Personnel programs are not financially available to us as a small rural district
36	The Technology Director and the superintendent will use the Google Vault for searches, and yes, both are trained.

Respondent	Detail any challenges, potential or realized, with using technology to respond to FOAA requests. Does technology impede or help the response times and/or burden on the school district to respond to FOAA requests? Please explain how the use of technology increases or reduces burden on the school district.
1	
2	The technology does help in the response time as we can pull specific data needed quickly and organize it.
3	Converting all of our physical documents to digital ones is our biggest challenge right now. Once they are converted it will make it easier to fulfill FOAA requests.
4	Technology is a help in pulling material and in determining the number of records that may possibly exist. Technology has helped to speed up the process.
5	The time the request takes to process, depending on what is being asked for, as it ties up our computers and basically leaves us unable to do our regular duties.
6	For us, technology has helped. We only limit our searches to what is specifically requested. I can't imagine waiting for every individual involved in a request to get the information back to a centralized location.
7	Results are often large files that we have to sort through and at times involve legal for review. We receive many requests. Some groups like Databranch submit multiple requests daily at times. People often ask for a broad scope. Examples include: Requesting all emails from Person A that includes Person B for all of time. Most of the information requested is from what seems like data mining and is a misuse of time. We are considering alternative approaches such as posting all our vendor information on our web page so we can redirect requests.
8	I am not sure. I am new in this position.
9	New to the district
10	Technology helps in our case because of the type of FOAA requests we are receiving. It definitely reduces the burden on the school district personnel.
11	Receiving many commercial FOAA requests regarding other products
12	There do not seem to be any challenges with the requests other than the simple fact that they are cumbersome and occur often, taking up time that most of us do not like to spend on what seems like pointless requests.
13	Searching email is a "needle in a haystack" problem, and there is absolutely no way to know for sure that all relevant messages have been found.
14	Without the technology, it would not be possible to conduct these searches. It speeds it up. But this district has received over 100 FOAA requests in the past four years. We now publish them all on our website.
15	No issues so far as the use of technology allows us to process the requests a lot quicker.
16	One challenge in fulfilling FOAA requests is ensuring that proper search terms are utilized. If there are too few terms or if appropriate terms are left out of the search parameters, some things may be missed. But if there are too many terms, this leads to many more results being returned, which significantly increases the time necessary to review results for relevancy and confidential information that needs to be redacted. Without using this technology, staff would have to manually search through any Google accounts that are mentioned in the FOAA request, which would significantly increase the time needed to fulfill the request. The technology helps response times, though the potential is there to also increase response times.
17	Technology likely increases due to the vast amount of small records and the need to then redact while trying to maintain digitally. Again, if we were to get a large FOAA request we would likely need to purchase software to assist with this process.
18	FOAA requests are time consuming because we receive so many. Regardless of the platform, I am responding with a standard letter, returning a response after stating how many hours, and also what costs are associated. It is still a time consuming task.

19	It usually brings up a lot of repeated information, especially when using Vault to review email, text, or Google Drive data. Sometimes it is an incredible amount of information that has to be put in a format that can be used by the central staff. IT professionals have to convert the information into a widely recognized format that is familiar to the end user.
20	Of course we need to use our software and systems to pull together the information. But even so, the requests do not match the records retained.
21	Typing the response information in first draft format and asking AI to read with a FOAA filter creates a second draft that then needs review for accuracy.
22	We could use some tips and tricks for dealing with these requests. We're drowning.
23	It certainly helps in finding the information, but it doesn't do anything to assist with the time it takes to review the data once it is found to redact confidential information.
24	While our software does help us narrow the parameters with respect to emails, there is still a lot of manual labor necessary to further refine the search to assure that the keywords are in the appropriate context to match the request.
25	I haven't had to do a ton of FOAA requests, but I can see how technology could both impede and help. It is hard to narrow down searches to get exactly what you're looking for. It is also hard getting people to understand that all of their information is FOAA-able.
26	The problem is frequent requests and the time it takes our system to process such requests. This ties up our computers for extended periods of time which reduces the actual work we get done for our actual jobs.
27	The burden is that even with the tech tools, one needs to review all of the items the tools return, and this falls on the superintendent in most cases. These requests are becoming overwhelming 1-2 a week, and they are from anonymous sources too. Legal says we need to comply and have.
28	Not all reports are the same and so every request takes time either to ask for the specific info or to write code and from people already busy on district work.
29	Technology helps but man power is an issue. It is just something else that takes away from our primary focus of educating children. We have one person that requests our financials every 6 months. This person is out of state and requests from 100s of businesses, probably even 1000s.
30	Existing technology allows records to be located and shared electronically, but it does not significantly reduce the administrative burden of responding to FOAA requests. The most time-consuming aspects remain identifying responsive records, reviewing them for confidential information, and preparing them for release. For a small district with limited administrative staff, FOAA requests require a substantial amount of time even when the necessary records are available electronically.
31	Technology helps us find the data faster. Parsing that data for is very time consuming. Generally, FOAA fees do not cover the employee costs to respond to a request.
32	The FOAA requests we get pertaining to purchases and contracts is largely supported by the accounting software available from InCode/Tyler Technologies. If it weren't for their reporting features, the burden to produce these public records would be much greater.
33	Tech helps, as it can pull all the documents by search criteria. It's still hard because we still have to read through everything to look for confidential info such as personnel or student information.
34	
35	Our lack of technology burdens the district in time and staff as a small district we have one secretary and one accts payable and payroll person.
36	We have had a recent influx of FOAA requests that are all related to contracts, staffing, professional development, and union membership. The Google Vault is helpful, but these requests are burdensome, nonetheless.

Respondent	Describe how the school district uses artificial intelligence (AI) to help fulfill FOAA requests, specifically referring the application used (e.g., Microsoft Copilot, ChatGPT, MagicSchool, etc.). If AI is used in any capacity in the school district, please consider sharing the school district's AI policy and any benefits and challenges with the use of AI thus far.
1	We do not use AI for FOAA requests
2	AI is not used for this purpose.
3	We do not use AI at the moment to fulfill these.
4	The district does not use artificial intelligence for FOAA requests
5	Have not used AI
6	We use AI to draft email responses to requests.
7	We use search tools within the software/data base.
8	I am not sure. I am new in this position.
9	New to the district
10	AI is not used.
11	The Microsoft Copilot, ChatGPT, MagicSchool. [District] AI Policy 1. Purpose This policy outlines guidelines and procedures for the evaluation, development, [School]. The policy aims to maximize the benefits of AI while minimizing risks and ensuring alignment with the school's educational mission, ethical standards, and legal obligations. 2. Scope This policy applies to all current and prospective uses and applications of AI technologies at [School], including but not limited to: ☐ Software, platforms, and automated systems used for teaching, grading, assessment, and student support. ☐ Data analytics and algorithms are used to model student performance and behaviors. ☐ AI assistants, chatbots, or embodied agents act as tutors or virtual peers. ☐ Surveillance, monitoring, or access control systems. ☐ Other existing or emergent AI technologies. 3. General Principles [School] will evaluate and adopt AI systems based on alignment with the following principles: ☐ Student welfare and rights: Systems do not infringe on privacy, autonomy, dignity, or educational rights. ☐ Pedagogical effectiveness: AI enhances, but does not replace, critical educational processes and qualified staff. ☐ Transparency and explainability: Stakeholders understand an AI system's processes, capabilities, and limitations. ☐ Fairness and inclusion: Systems mitigate potential biases and impact disparities. ☐ Accountability: Mechanisms ensure responsible deployment and monitoring of systems. ☐ Data privacy and security: Student data handling adheres to best practices and regulations. 4. Responsibilities Teachers and staff will receive appropriate training before system deployment. Other stakeholders may be consulted depending on the AI system under consideration. 5. Assessment Guidelines Before acquisition or development, AI systems will undergo robust evaluation across educational, ethical, legal, and technical criteria. Key questions include: ☐ What core educational tasks will the AI perform and what outcomes will improve? What could decline or remain unchanged? ☐ Does the AI adhere to student welfare, privacy, and fairness considerations? ☐ How interpretable and transparent will its functioning be to students, parents, and teachers? ☐ What biases could AI introduce or exacerbate? ☐ Does use of the AI cohere with legal requirements like COPPA and FERPA in the school context? ☐ What risks could arise from the AI and how will they be monitored and mitigated? 6. Other Procedures Additional procedures, such as those for procurement, community feedback, continuous monitoring of fielded systems, external audits, and remedies in case of problems, shall be developed as needed alongside leadership and responsible parties.
12	No AI used.
13	We do not use AI for this purpose because we do not want to send sensitive emails to LLMs that may then use that information for model training.
14	We haven't use AI for FOAA requests.
15	We currently do not use AI to complete these requests.
16	The [District] does not utilize any AI in its current process of fulfilling FOAA requests.
17	We have not used AI in fulfilling FOAA requests.
18	AI is not used

19	We do not currently use AI for FOAA requests and information retrieval (we have never needed to). We do not have an overwhelming number of FOAA requests that require internal documents such as chats or emails. Currently, we have an AI policy that needs to go to the Board for Approval. Right now, we include AI as a copyright issue and consider it used incorrectly as cheating. The guidelines of use appear in teachers' syllabi for their classes currently.
20	we do not use AI to fulfill requests.
21	As an editor with oversight.
22	N/A
23	At this time, we do NOT use AI to assist with FOAA requests.
24	We don't currently.
25	I have not used AI to help fulfill FOAA requests
26	Have not used any of these at this point.
27	IF we had our own internal AI then I would use it. Since we have to rely on external AI, that has a "memory" this is not prudent for the school to use such tools.
28	Does not
29	NA
30	The district does not currently use artificial intelligence to search for, review, redact, or produce records in response to FOAA requests. AI tools may be used by staff for general productivity or drafting purposes, but not as part of the FOAA response process. The district is continuing to evaluate appropriate uses of AI while considering privacy, confidentiality, and legal compliance.
31	We have never used AI to fulfill these requests.
32	We do not.
33	We do use Gemini to search folders for contracts with certain companies, in case files weren't labeled correctly In Drive.
34	
35	We do not
36	I have never used AI- would love to know more.

Respondent	Would a list of best practices would be helpful for your school district to determine more efficient ways to fulfill FOAA requests, including through the use of technology?	
1	Yes	
2		
3	Yes	
4	Yes	
5	Yes	
6	Yes	
7	Yes	
8	Yes	
9	Yes	
10	Yes	
11	Yes	
12	Yes	
13	Yes	
14	Yes	
15	Yes	
16	Yes	
17	Yes	
18	Yes	
19	Yes	
20	Yes	
21	Yes	
22	Yes	
23		No
24	Yes	
25	Yes	
26	Yes	
27	Yes	
28	Yes	
29	Yes	
30	Yes	
31	Yes	
32	Yes	
33	Yes	
34	Yes	
35		No
36	Yes	

Respondent	What would you want included in a potential list of best practices?
1	
2	
3	
4	Working with the public on narrowing down the scope of requests.
5	Specific reports along with the criteria for each report so that there is minimal editing needed.
6	List of processes and refinements, as well as best tools to use at each step.
7	Form letters, time and cost comparisons by type of request, and strategies for making the information available to be able to redirect the request.
8	Cost associated with them.
9	Yes, I always appreciate information regarding best practice or other helpful items for review and consideration.
10	[Legal counsel] put together a document about what can be shared as public information and the office staff said that was very useful.
11	Legal templates to answer many commercial FOAA requests
12	I would be open to any and all information provided.
13	
14	Not sure. We have a very tight system now but it is 100% managed by the superintendent. We have tried to pull in other staff to review records but it hasn't been successful.
15	Yes please.
16	Information on developing good search parameters and terms. Suggestions for how results may be quickly narrowed down to ignore irrelevant results. Options for technologies and systems that could help us with FOAA requests.
17	I would love to also have recommendations for software that are tested by other schools. If we got a request knowing a software that works well and at a reasonable price would be extremely helpful.
18	what we should and should not share, lists of documents we do not need to share, hours people are billing for
19	Applicable FERPA and HIPAA Laws included in the correspondence.
20	I am feeling that I am missing the underlying concern about this survey. The use of technology does not get in the way of record requests. But a list of best practices would be helpful separate from technology.
21	Yes.
22	Specific Examples
23	It wouldn't be helpful.
24	A step-by-step process, including a range of software options, would allow us to apply any useful tips appropriately.
25	I don't honestly know, since I haven't done many and also I don't know all that could be involved. I'm not sure that we're doing it right.
26	Open to anything that would streamline the process.
27	
28	Rewrite the law to restrict business and people from making ridiculous requests.
29	But not all financial software has the capability to generate the reports that are requested.
30	Best practices for small school districts with limited administrative staff. Recommended workflows for managing FOAA requests efficiently. Guidance on technology that is cost-effective for small districts. Best practices for searching email and electronic records. Guidance on redaction tools and protecting confidential student and personnel information. Appropriate uses and limitations of AI in responding to FOAA requests. Sample procedures, templates, and timelines for responding to requests.
31	How to use AI for FOAA requests and its benefits and challenges.
32	Communication templates, timeline guidance documents, reasonability of requests and the time estimates it should take to produce a response.
33	

34	
35	???
36	How do do FOAA requests efficiently. We are all busy, and these requests can add significant work to already busy plates. We can and do charge for detailed requests, but it is still another thing.



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To: Elena Roig, Legislative Analyst and Right to Know Advisory Committee Members

From: Rebecca Lambert, Municipal Issues Specialist

Date: July 31, 2026

Re: Use of Technology When Responding to FOAA Requests - Survey Results

Thank you for the opportunity to share a summary of the responses to the Freedom of Access Act (FOAA) and Technology Survey conducted among Maine municipalities. The survey was designed at the request of the Right to Know Advisory Committee to help them better understand how municipalities currently process FOAA requests, the technologies they use to locate and manage public records, the challenges they encounter, and their perspectives on emerging technologies such as artificial intelligence (AI).

Thirty-nine municipalities representing a range of community sizes and geographic regions participated in the survey. Most respondents were town or city managers, administrators, clerks, and other municipal officials responsible for overseeing public records requests and FOAA compliance.

The survey demonstrates that municipalities have incorporated technology into many aspects of records management, but FOAA administration remains largely dependent on manual review and staff expertise. Most communities use a combination of electronic and paper records, requiring staff to search multiple systems, coordinate with departments, review records for confidentiality, apply redactions where necessary, and ensure compliance with legal requirements before records are released.

While many respondents reported using technology to assist with FOAA requests, few municipalities use specialized FOAA management software. Instead, they rely primarily on existing systems such as email, shared network drives, financial and records management software, websites, and paper archives. Cost, ease of use, and staff time were consistently identified as the most important factors when considering technology investments.

The survey also highlights several challenges. Municipal officials reported that responding to broad or complex requests is often time-consuming and labor-intensive, particularly when historical paper records must be located or when information is

maintained across multiple departments and platforms. For local governments, one of the most significant responsibilities associated with FOAA compliance is ensuring the completeness of responses while protecting confidential information.

AI is not a tool routinely used for FOAA administration among municipalities. Nearly all survey respondents indicated that they either do not use AI or have limited familiarity with its application as it relates to FOAA fulfillment. Those who commented generally viewed AI as a tool that may assist with document organization or searching but continued to emphasize that legal review, confidentiality determinations, and final disclosure decisions must be made by knowledgeable municipal staff.

According to survey results, there were several opportunities identified for state assistance. Common recommendations included additional training, model policies, practical guidance on AI and records management, grants to support digitization of paper records, software recommendations, and consideration of legislative changes addressing increasingly burdensome or AI-generated public records requests.

Following a summary of the survey results, please find a memo addressed to the Right to Know Advisory Committee's Technology Subcommittee dated October 27, 2025. The memo is in response to questions posed at the subcommittee's October 14, 2025, meeting regarding the use of technology among municipalities when responding to FOAA requests and may be helpful when considering the current survey results.

MMA is happy to provide this information to assist the Right to Know Advisory Committee accomplish their work in 2026. Please do not hesitate to reach out to me with any questions or further information requests.

Freedom of Access Act and Technology Survey Results

1. Participating Municipalities

Alfred	Lincolntonville
Arrowsic	Monmouth
Arundel	Monroe
Bethel	New Gloucester
Bowdoinham	North Berwick
Bridgton	Norway
Caribou	Orrington
Carmel	Paris
Casco	Parsonsfield
Castine	Phillips
China	Pittston
Deer Isle	Scarborough
Edgecomb	St. Albans
Falmouth	Thomaston
Fort Fairfield	Turner
Frenchville	Washington
Gardiner	Waterville
Harmon	Wells
Kennebunkport (2)	West Paris

2. Participant Position

	#	%
Town/City Manager/Administrator	24	62%
Town/City Clerk	7	18%
Selectboard Chair	3	8%
Police Chief/Captain	2	5%
FOAA Administrator	2	5%
Executive Assistacne	1	3%

3. Use Technology to Respond to FOAA Requests

	#	%
Yes	26	67%
No	13	33%

4. Tools Used to Store Public Records

	#	%
Electronic & Paper Files	32	82%
Other	3	8%
Electronic Files Only	2	5%
Paper Files Only	2	5%

5. Other Storage Tools

- IMC Police Records Management System
- Video Cassette/ Tape Recordings
- Microfilm

6. Methods Used to Search for Records

Most respondents use a combination of electronic systems (TRIO, email, servers, websites, and Google Vault) and manual searches of paper records. The search method depends largely on the nature, age, format, and location of the requested records, often requiring coordination between departments and occasional IT support.

- **Electronic Searches.** TRIO software (financial records, tax commitments, purchase orders, police reports, accounting records); computer servers and shared drives; email search functions (Outlook, Exchange, Google Vault); computer search bars and keyword searches; local records tracking systems; website document repositories; and archives and electronic filing systems.
- **Paper File Searches.** Filing cabinets; archived records; historical documents; map and lot files; town Meeting records; hard-copy departmental files; and secure records storage.
- **Hybrid Search Approach.** (1) Search electronically first; (2) if records are not found electronically, review paper files and archives; and (3) gather records from multiple departments as needed.
- **Departmental Coordination.** (1) public Information Officer receives and routes requests; (2) access Officer determines whether records exist and where they are located; (3) departments search their own records and provide responsive documents; (4) information is compiled into a single response package.
- **IT Assistance.** Email searches; Google Vault searches; data retrieval from servers; and technical support for locating electronic records.
- **Website Resources.** Town reports; agendas and minutes; audits; tax commitment books; ordinances; maps; and financial reports.
- **Typical Search Process.** (1) Acknowledge receipt of the request; (2) determine whether responsive records exist; (3) identify where records are maintained (e.g., electronic, paper or both); search electronic sources first (e.g., TRIO, email systems; servers; shared drives, etc.); (4) search paper files and archives, if necessary; (5) collect records from relevant departments; (6) review records for responsiveness and confidentiality; and (7) provide records to the requestor.

7. Methods Used to Review for Records

Most municipalities use a multi-step review process focused on accuracy, completeness, confidentiality, and legal compliance. Final review is commonly conducted by a FOAA Officer, Access Officer, or Town Manager, with legal counsel consulted for sensitive or potentially exempt records, and redactions applied when necessary, before release.

- **Initial Review for Accuracy and Completeness.** Respondents indicated that records are reviewed to ensure: (1) the records provided match what was requested;

(2) the response is complete and accurate; (3) relevant documents have been included; and (4) irrelevant documents

- **Confidentiality and Legal Compliance Review.** Respondents indicated that the primary purpose of the review process is to ensure that confidential, exempt, or protected information is not disclosed. Common activities include: (1) reviewing records for confidential information; (2) determining whether records are public under FOAA; (3) identifying information exempt from disclosure; (4) redacting protected information before release; and (5) ensuring compliance with applicable statutes.
- **Role of FOAA Officers.** Many municipalities designate a FOAA Officer, Access Officer, Town Manager, or Public Information Officer to oversee review and release, responsibilities often include: (1) reviewing responsive records; (2) ensuring compliance with FOAA; (3) making final disclosure decisions; (4) coordinating redactions; and (5) approving records before release.
- **Department-Level Review.** Several respondents indicated that departments first review records under their control before forwarding them for final approval. The process requires departments to locate, review records for responsiveness, forward records to the FOAA officer or town/city manager and conduct a final review before the information is released.
- **Legal Counsel Review.** When confidentiality or legal questions arise, municipalities frequently consult attorneys. Legal review may involve: (1) determining whether records are public; (2) reviewing potentially exempt information; (3) advising on required redactions; and (4) ensuring compliance with FOAA and other laws.
- **Multi-Level Review Process.** Some municipalities described a layered review process involving multiple individuals.
- **Redaction Process.** Many respondents noted that records may require redaction before release. Redactions are used to remove: (1) confidential information; (2) personnel information; (3) protected personal information; (4) attorney-client privileged materials; and (5) other legally exempt records.
- **Limited or Informal Review Processes.** A small number of respondents reported that there wasn't a formal review process in place.
- **Typical Review Workflow.** (1) Locate responsive records; (2) review records for accuracy, completeness, and relevance; (3) determine whether records are public; (4) identify confidential or exempt information; (5) complete necessary redactions;

(6) consult legal counsel when questions arise; (7) obtain FOAA officer/town manager approval; and (8) release records to the requester.

8. Methods for Sharing Records

	#	%
Email & Mail	13	34%
Email, Mail & Other	9	23%
Email Only	4	10%
Email & File Sharing Link	4	10%
Email, Mail & File Sharing Link	4	10%
Email & Other	3	8%
Other	2	5%

9. Other Methods for Sharing Records

- Requestor collects records at the municipal office (10)
- USB (2)
- Requestor preference (2)
- Text message (1)

10. Who Decides Use of Technology

	#	%
Appointed Official	22	56%
Elected & Appointed Officials	6	15%
Elected & Appointed Officials & Budget	4	10%
Other	3	8%
Elected Official	2	5%
Appointed Official & Budget	1	3%
Budget	1	3%

11. Other Deciding Factors

- IT hardware and program recommendations.
- Use the technology that makes sense for the request. (2)

12. What Matters Most When Selecting Tools to Manage FOAA Requests

	#	%
Cost, Ease of Use & Staff Time	25	64%
Staff Time & Ease of Use	3	8%
Cost & Staff Time	2	5%
Other	2	5%
Staff Time	2	5%
Ease of Use	2	5%
Cost, Ease of Use & Other	1	3%
Staff Time, Cost, Ease of Use & Other	1	3%
Cost	1	3%

13. Other Considerations Used to Select Tools

- Efficiency and getting it right.
- Legalities.
- Maintaining confidentiality of redacted portions of records.
- Do not use technology.

14. How Requests Are Fulfilled without Technology

- FOAA requests are typically received via email or mail.
- Requests are reviewed and acknowledged by a FOAA officer or designated staff member, often through a return email.
- Requests are logged and tracked, including: (1) date received; (2) requestor information; (3) records requested; (4) date acknowledged; and (5) date closed
- In police departments, FOAA requests may be documented as a Call for Service and retained in permanent police files.
- Records are located through a combination of electronic and manual (paper) file searches.
- Staff manually review records and may contact relevant departments, individuals, or organizations to gather responsive information.
- Responsive records are copied and provided electronically (typically as PDFs) or as hard copies.
- Many municipalities rely on email, digital document storage, and photocopying rather than dedicated FOAA management software.
- Technology capabilities are often limited to existing electronic records; paper files must be retrieved and reviewed manually when records are not digitized.
- Most respondents reported no specialized FOAA software or formal records management system and rely on manual processes for records searches and request fulfillment.
- Digital documents are used where available, but FOAA administration remains largely labor-intensive and manual.

15. Why Doesn't Your Community Use Technology

	#	%
Other	8	32%
Cost	8	32%
Staff Time	4	16%
Ease of Use	3	12%
Training Access	2	8%

16. Other Reasons for Not Using Technology

- Most municipalities do not use a dedicated FOIA records management system.
- Existing processes and technologies, particularly within police departments, are generally viewed as adequate for current request volumes.
- Several respondents indicated they receive too few requests to justify investing in specialized software or systems.
- Many records are still maintained in paper format, limiting the effectiveness of electronic solutions.
- Some municipalities are uncertain about available technology options that could reduce staff workload while remaining user-friendly.
- Limited staff time has prevented some municipalities from researching or implementing alternative solutions.
- Some requests require little or no technology beyond basic office equipment such as a copier.
- Municipalities with lower request volumes continue to rely on manual processes because they remain manageable.
- A lack of information and awareness about available tools and best practices was cited as a barrier to adopting new systems.

17. Challenges Municipalities Face when Using Technology

- Ensuring completeness and accuracy of responses is a major concern, particularly when requests are broad, unclear, or difficult to interpret.
- FOIA requests can be time-consuming, especially those involving multiple records, complex topics, or repeated requests from the same individual.
- Some requests seek information that does not exist in a specific record or report format, requiring staff to determine whether responsive records exist at all.
- Many municipalities continue to rely on paper records, making searches and retrieval more labor-intensive.

- A significant portion of historical records have not been digitized, limiting the usefulness of technology and electronic searches.
- Digitizing records and scanning paper documents remains a major challenge due to capacity and resource constraints.
- Staff often conduct manual searches of both paper and electronic files because specialized FOAA software is not available.
- File naming inconsistencies can make locating electronic records more difficult.
- Broad requests, particularly those requiring extensive financial or multi-year data, can be difficult to fulfill and may involve significant data extraction and review.
- Electronic information often requires filtering, review, and organization before release.
- Records may exist but not in the format requested, requiring staff to compile or consolidate information from multiple sources.
- All responsive records must still be reviewed before disclosure, regardless of format.
- Municipalities experience a wide variation in the complexity and scope of FOAA requests.
- Some communities receive only a small number of requests annually, making it difficult to justify investments in specialized systems.
- Concerns were raised about large-scale, burdensome, or potentially frivolous requests that consume significant staff time.

18. Technology's Impact on Response Time

	#	%
Faster	16	53%
About the Same	12	40%
Slower	2	7%

19. Does Technology Make Responding to FOAA Request Easier

	#	%
Yes	25	83%
No	5	17%

20. Have AI Tools Impacted Ability to Response to FOAA Requests

	#	%
Do Not Use AI	30	88%
Other	3	9%
Easier	1	3%

21. What Other Tools Impact Ability to Responded

- Do not use AI. (2)
- Not aware of how AI works with responding to FOAA requests.

22. Concerns with Using AI

- Accuracy, completeness and legal compliance.
- Limited or no access to paper and historical records.
- Viewed as a helpful tool rather than a replacement for staff.

23. Has Your Municipality Adopted an AI Use Policy

	#	%
No	22	56%
Do Not Use AI	14	36%
Yes	3	8%

24. How Can the State Assist with FOAA Requests

- **Need for training, guidance, and best practices.** Respondents expressed interest in AI training, sample policies, templates, software recommendations, and state-issued guidance on the appropriate use of AI for FOAA compliance, confidentiality, and records management.
- **Concerns about AI-generated and burdensome requests.** Many municipalities reported an increase in AI-generated requests that are lengthy, fragmented, or contain multiple embedded requests, creating significant staff workload. Respondents also cited concerns about nuisance, vindictive, data-mining, and corporate-driven requests.
- **Desire for better tools and technology support.** Municipalities expressed interest in software solutions to track requests, manage records, automate retention schedules, and streamline responses. Several respondents suggested grants or other assistance to digitize paper records.
- **Need for policy and legislative changes.** Suggestions included clearer laws governing AI use in public records requests, reasonable limits on excessive requests,

stronger protections against abuse of the FOAA process, and expanded authority to recover actual staff costs associated with fulfilling requests.

- **Request for greater state support and collaboration.** Respondents asked for more state assistance, particularly for small municipalities, including practical guidance tailored to Maine municipal needs and greater municipal involvement when the state develops new systems or reporting requirements.
- **Interest in centralized solutions.** Some respondents suggested creating a statewide, searchable records repository or standardized system that could improve public access and reduce the administrative burden on individual municipalities.



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To: Right to Know Advisory Committee's Technology Subcommittee
From: Rebecca Lambert, Municipal Specialist
RE: Questions from October 14, 2025 meeting

October 27, 2025

Good morning Right to Know Technology Subcommittee members.

My name is Rebecca Lambert and I'm with the Maine Municipal Association. What I am going to share today is based on general information we've learned from working with our members. To get a more data driven sense of what municipalities use we would need some time to poll our members.

There are many municipalities who have shifted to delivering FOAA request records electronically, since it improves efficiency and reduces copy and print costs. Biddeford is one community who has gone this route, and they publicly post completed FOAA requests to their website.

<https://www.biddefordmaine.org/2375/Public-Records-FOAA-Requests>

The City of Bangor has implemented a Laserfiche system that has streamlined their response to FOAA requests in that staff in Bangor can now direct people to their website to search for records themselves. There are some records that are not publicly available through that system, like police reports, that need to be retrieved and redacted by staff. <https://records.bangormaine.gov/Public/Welcome.aspx?ci=1>.

Saco also implemented a Laserfiche program and according to their 2011 annual report, they had a goal of scanning all vital records documents issued between 1965 and 2011. The annual report notes that Laserfiche has an Optical Character Recognition component to the scanning process of the program. Use of that technology was not 100% successful due to poor character recognition, resulting in those having to be corrected manually. It doesn't appear on their website that they utilize Laserfiche in the same capacity as Bangor. <https://cms1files.revize.com/sacome/Finance/Reports/Annual%20Reports/11annualreport.pdf>

As of March 2025, the City of Portland started using NextRequest, which is a software program that will collate FOAA requests, even for police departments, including an option within the program that offers the ability to redact. Some of their responses are published publicly, but that is at their discretion, and they do limit which requests are published. <https://cityofportlandme.nextrequest.com/>

For the City of Augusta, each building has a public information officer who oversees the requests for that building. They use Microsoft365 which has a tool to find emails based off requested criteria. They then use Adobe Acrobat to convert and index the individual messages, so they are easier to search. Other than those tools, no other software is utilized to fulfill FOAA requests.

I also checked in with the Town of Falmouth who shared that they do not use any software or technology when fulfilling FOAA requests.

It's important to note that the Laserfiche program is very labor and financially intensive, making it an unrealistic goal for many small communities without significant resources. I don't know much about NextRequest but I assume there is a subscription associated with it and likely also out of reach for most small municipalities.

In order for all municipalities to be able to use technology for FOAA requests, there is an assumption that they would all need access to the same resources, such as a reliable internet connection, a website, and staff with the digital literacy to implement a program, which isn't uniformly feasible.

Although more well-resourced communities may have some use of technology, many towns or cities don't have full-time FOAA officers. So, the same person handling public records requests is also the clerk, the treasurer, the code officer—sometimes all three. When a large or complex records request comes in, it can halt regular town business for days or even weeks. There are also have been increased instances where municipalities are inundated with frivolous requests that intend to disrupt operations.

School departments in particular have seen these types of requests. To help ease the burden, like Biddeford, the Gorham school department has a section of their website dedicated to FOAA requests and lists in a table what previous requests were for, and the materials related to the request. This has been very helpful when there are multiple requests for the same information and has streamlined their responses, though I'm not sure what type of technology, if any, is used when compiling the data.

<https://www.gorhamschools.org/page/public-foaa-requests>

Looking at the training piece of your question, MMA provides FOAA training, but the training does not include how to use technology when fulfilling requests since that looks quite different across the state. It is mentioned in the training that a municipality must provide electronic records in an electronic format if they have them.