



Testimony in Support of LD 152:

“An Act to Amend the Freedom of Access Act to Require a Specific Time Frame for Agencies to Comply with Requests for Public Records”

Senator Carney, Representative Kuhn, and the distinguished members of the Committee on Judiciary, my name is Harris Van Pate, and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free market think tank, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to provide testimony today in support of LD 152, legislation that seeks to strengthen Maine’s Freedom of Access Act (FOAA) by establishing clear deadlines for agencies to respond to public records requests.

Maine Policy Institute is dedicated to advancing individual liberty, government transparency, and accountability. LD 152 is a critical step toward ensuring these principles remain foundational to Maine’s governance.

The Case for Transparency

Government transparency is an essential element of a free society. When public records are difficult to access or unnecessarily delayed, it undermines the public’s trust in government institutions and inhibits meaningful civic engagement.

Currently, Maine’s FOAA lacks firm timelines for compliance, leaving agencies significant discretion in fulfilling requests. This flexibility has, in some cases, resulted in unreasonable delays, effectively denying Mainers access to information that is rightfully theirs. By implementing specific time frames, LD 152 would reduce uncertainty, improve compliance, and strengthen Maine’s reputation as a leader in government accountability.

Lessons from Other States

LD 152 brings Maine in line with best practices seen in other states. For example:

- For **Michigan, DC, and Delaware**, the response time is 15 days¹
- **New York** and **New Hampshire** mandate a response within five days of a request²
- **Vermont** gives agencies only three days to respond³

¹ <https://granicus.com/blog/foia-101-demystifying-public-records-laws-in-each-state/>

² Id.

³ Id.



- **Rhode Island** gives 10 days, with 20 for “good cause”⁴

These frameworks balance the public’s right to information with the administrative capacity of government agencies. LD 152’s proposed deadlines are reasonable and achievable, striking a similar balance for Maine.

Benefits for Maine Citizens and Government

Establishing clear time frames will empower citizens and benefit state agencies. Clear deadlines reduce ambiguity, ensure consistent compliance, and set expectations for all parties involved.⁵ Improved efficiency in handling records requests can enhance public trust and reduce potential litigation costs resulting from prolonged disputes over access to information.

Moreover, transparency is an essential tool for identifying inefficiencies and preventing abuses of power. Timely access to records allows journalists, watchdog groups, and everyday citizens to serve as vital checks on government actions. In short, LD 152 fosters a more informed and engaged electorate.

Conclusion

Maine Policy Institute strongly supports LD 152 and urges this committee to do the same. By enacting this legislation, Maine can reinforce its commitment to transparency, accountability, and the public’s right to know. We believe that government must work for the people, and timely access to public records is a cornerstone of that relationship.

Thank you for your time and consideration

⁴ Id.

⁵ <https://mainepolicy.org/government-transparency-foaaget-about-it-in-maine/>