
To: Senator Carney, Representative Kuhn, and Members of the Committee on Judiciary

From: Bradley Sawyer, Deputy Director

Date: February 5, 2025

Re: Testimony in Opposition to 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 Members of the Committee on Judiciary, thank you for the opportunity to provide testimony regarding 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." While we strongly support the principles of transparency and the public's right to access information as enshrined in the Freedom of Access Act (FOAA), we have significant concerns about the proposed requirement for agencies to comply with public records requests within a 30-day timeframe.

The Maine Rural Water Association (MRWA) is a member-driven nonprofit organization based in Richmond, dedicated to providing training, technical assistance, and advocacy on behalf of our approximately three hundred members. The majority of our membership consists of water and wastewater utilities from across the state, all of whom are deeply committed to ensuring clean, safe drinking water and protecting the environment through the proper treatment of wastewater.

Maine's water and wastewater utilities are dedicated to delivering safe and reliable services to our communities. These utilities often operate with limited staff who manage a wide range of responsibilities, including system maintenance, regulatory compliance, emergency response, and customer service. The proposed 30-day compliance requirement for FOAA requests presents several challenges:

1. **Resource Constraints:** Many FOAA requests involve complex and detailed information that necessitates thorough review and compilation. For small utility staffs, meeting a strict 30-day deadline may require diverting resources from critical operational tasks, potentially impacting service delivery and public health safeguards.
2. **Operational Demands:** Utilities must prioritize immediate concerns such as infrastructure repairs, emergency responses, and compliance with environmental regulations. A rigid 30-day response requirement could force utilities to choose between fulfilling FOAA requests and addressing pressing operational needs.
3. **Existing Framework:** The current FOAA provisions mandate that agencies respond to public records requests within a reasonable time. This flexibility allows utilities to balance transparency with their operational capabilities, ensuring that public records are provided without compromising essential services.

We fully acknowledge the importance of public access to government records and remain committed to upholding the principles of the FOAA. However, imposing a strict 30-day deadline does

not account for the practical challenges faced by small utilities and may inadvertently hinder their ability to serve the public effectively.

We respectfully urge the committee to consider the operational realities of Maine's water and wastewater utilities and to maintain the current FOAA framework, which balances the public's right to information with the necessity of providing essential services. Alternatively, we suggest exploring provisions that allow for deadline extensions in cases where compliance within 30 days would impose an undue burden on small agencies or compromise critical operations.

Thank you for your attention to this matter. I am available to answer any questions or provide further information as needed. I can be reached at Bradley.Sawyer@MaineRWA.org or 207-737-9014.