

TESTIMONY IN OPPOSITION TO

L.D. 1683

AN ACT TO MAKE A FREEDOM OF ACCESS ACT REQUEST FREE OF CHARGE UPON PETITION

April 30, 2025

Senator Carney, Representative Kuhn and members of the Judiciary Committee, I am Steven Bailey, the Executive Director of the Maine School Management Association, testifying on behalf of the legislative committees of the Maine School Boards Association and Maine School Superintendents Association in opposition to L.D. 1683, An Act to Make a Freedom of Access Act Request Free of Charge upon Petition.

Maine schools take seriously their responsibility of being transparent, which is a crucial piece of building trust with families and local communities. Our associations believe that Maine's current FOAA statutes already offers the proper balance between transparency and ensuring smooth government operations, and we are concerned that L.D. 1683 could create situations that hinder school functions and take valuable time and resources away from student learning.

When school districts receive FOAA requests, they respond – often in just a few hours or days. However, in recent years, several districts have faced a rapid increase in FOAA requests – sometimes more than one per day – from individuals and groups from across the country.

In some cases, this has created a substantial administrative burden. One district was forced to hire an additional part-time staff member to handle the growing number of requests. In another district, a staff member's full-time job for months was simply responding to requests. This takes away valuable time and resources where they should be focused: improving teaching and learning within our classrooms.

Schools attempt to make these requests free, if possible, and many have started publicly posting requested documents online in order to promote transparency. However, in some cases, districts have faced requests that may require dozens of hours of searching and copying through old files, and in these situations, districts may need to charge a requestor for that work.

We believe Maine's current FOAA law, which allows for agencies to charge fees in these cases, appropriately considers these operational needs. However, we are concerned that L.D. 1683 could allow some individuals or groups to distort this process, removing any of these considerations and potentially allowing for requests that could cripple certain school operations.

Under current law, agencies can communicate with a requestor about their particular request – if a request may be too burdensome, agencies may help to narrow the request, creating a more efficient process that would still satisfy a requestor's goals.

The language in L.D. 1683 does not consider these factors and would instead allow a requestor to simply demand an onerous request – and the agency would be required to provide the requested documents, no matter how large the administrative burden. We have seen examples of requests that could take weeks or months of work to respond to, and this bill would provide a school or agency with no recourse to respond. They simply would have to abide.

We worry this could lead to many more situations in which administrators or administrative assistants must spend their time searching through documents, instead of focusing on operating school buildings.

In addition, we expect this would be an unfunded mandate. Districts in these situations would face two options: increase school budgets to pay for staff who could respond to FOAA requests, or make cuts to classrooms and teaching staff. This would worsen our educational system – devoting money away from our students at a time when they need more assistance than ever. We urge you to reject L.D. 1683 and instead ensure our taxpayer resources are devoted to our students – not administrative burdens.