



Janet T. Mills
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION



Joan F. Cohen
Commissioner

May 2, 2025

The Honorable Anne Carney, Senate Chair
The Honorable Amy Kuhn, House Chair
Joint Standing Committee on Judiciary
100 State House Station
August, Maine 04330

*Re: LD 1813 – An Act to Implement the Recommendations of the Right to Know Advisory Committee
Concerning State Boards and Commissions*

Dear Senator Carney, Representative Kuhn, and Members of the Committee:

I write to express our overall support for LD 1813, but to note that some clarification is needed to establish that one public access officer may be designated for all of the boards and commissions that compose the Office of Professional and Occupational Regulation (“OPOR”).

We support the bill’s requirement of public records and proceedings training for board members. While our board managers do an excellent job of orienting and onboarding new members, we welcome this added requirement to ensure that all board members have a comprehensive understanding of what constitutes a “public record,” how public records must be preserved, and how the laws govern public proceedings and communications outside of those proceedings. This training is important considering today’s frequency and volume of electronic communications.

Our concern lies with Section 2 of the bill, requiring each board or commission to designate a public access officer.

Many of the Department’s boards are located within an agency known as the Office of Professional and Occupational Regulation (“OPOR”), an umbrella agency that provides support to 38 licensing boards and programs. The umbrella agency model means that staff support several boards and programs, rather than each board needing to support full-time staff. This sharing of resources allows for efficiencies and lower license fees. Within this model, OPOR has a single employee who is designated as a public access officer; the person responsible for receiving, acknowledging and overseeing responses to all FOAA requests received by any of the boards. This ensures timely acknowledgments, accurate tracking of requests and document production, consultation (when needed) with the AAG assigned to a board, and oversight of communication with the requester. Requiring each board have a separate public access officer would be burdensome (perhaps requiring even the hiring of more staff), and ultimately lead to a less coordinated, timely and efficient response to requesters.

We respectfully request that the bill be amended to allow all OPOR boards to designate a public access officer to serve as the contact person for the agency. We have included below a suggested amendment for the Committee's consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joan Cohen', with a stylized flourish at the end.

Joan Cohen
Commissioner
Department of Professional and Financial Regulation

Proposed Amendment

Sec. 2. 1 MRSA §413, sub-§1, as amended by PL 2015, c. 317, §2, is further amended to read:

1. Designation; responsibility. Each agency, county, municipality, board or commission established under Title 5, chapter 379, school administrative unit and regional or other political subdivision shall designate an existing employee as its public access officer to serve as the contact person for that agency, county, municipality, board or commission, school administrative unit or regional or other political subdivision with regard to requests for public records under this subchapter. The public access officer is responsible for ensuring that each public record request is acknowledged within 5 working days of the receipt of the request by the office responsible for maintaining the public record requested and that a good faith estimate of when the response to the request will be complete is provided according to section 408-A. The public access officer shall serve as a resource within the agency, county, municipality, board or commission, school administrative unit and regional or other political subdivision concerning freedom of access questions and compliance. A public access officer may serve as the contact person for more than one board or commission established under Title 5, chapter 379, for boards and commissions within the same office or agency.