

– Maine Freedom of Information Coalition –

Sen. Carney, Rep. Kuhn, members of the Joint Standing Committee on Judiciary, my name is Judith Meyer. I proudly serve as president of the Maine Freedom of Information Coalition and am here today to urge this committee not to pass 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.

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The Maine Freedom of Information Coalition is a nonprofit group that believes government best serves the public when it operates in the most open manner possible. Our members, which include media organizations, lawyers, academics, public policy groups and like-minded individuals, strive to inform the public to the fullest extent possible about government actions. We seek broad access to information of and about government and the actions of government in order to do that. Government in the sunshine, we believe, is the best guarantor of a strong democracy.

Our members echo the testimony of the Maine Press Association and ask that you study the Public Access Ombudsman's reports of recent years to see the improving speed of response to state-level FOAA requests.

There is an outlier in the 2023 numbers showing a very large number of public access requests to the Department of Public Safety that took longer than 60 days, or six months or a year to fulfill, which I suspect is tied directly to the high number of records requests connected to the mass shooting in Lewiston and the department's decisions to hold many documents until completion of the work done by the governor's Commission to Investigate the Facts of the Tragedy in Lewiston.

Even so, nearly 50 percent of all state-level access requests in 2023 were responded to within five days and 75 percent of all requests were responded to within 30 days.

We agree that delayed responses to FOAA requests are a problem, but the solution isn't giving agencies 30 days to respond. Agencies should respond as soon as they are reasonably able to do so unless the agency can show good cause for delaying access because the records are voluminous, require retrieval or archival records, require extensive legal review, or other similar circumstances.

An allowable 30-day response is unreasonable and will significantly hinder access, which runs counter to the public good.

Maine Press Assn.
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