



Maine Human Rights Commission

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The Honorable Anne Carney, Senate Chair
The Honorable Amy Kuhn, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333

*Re: An Act To Amend The Freedom Of Access Act To Require A Specific Time Frame For Agencies To Comply
With Requests For Public Records - LD 152*

Dear Senator Carney, Representative Kuhn, and Members of the Joint Standing Committee on Judiciary:

The Maine Human Rights Commission ("Commission") is Maine's quasi-independent, nonpartisan State agency charged with enforcing our state anti-discrimination law, the Maine Human Rights Act, 5 M.R.S. §§ 4551, *et seq.* ("MHRA"). The Commission is statutorily charged with the duties of: investigating, conciliating, and at times litigating protected-class discrimination cases under the MHRA; promulgating rules and regulations to effectuate the Act; and making recommendations for further legislation or executive action concerning infringements on human rights in Maine. 5 M.R.S. § 4566(7), (11). With those duties in mind, the Commission is pleased to provide this testimony neither for nor against LD 152.

The Commission receives between 40-90 record requests under the Freedom of Access Act ("FOAA") per year. Some are very limited, for example, someone asking for a specific Investigator's Report. Others are very broad, for example, the entire file in every case filed against a major hospital system in the state over the course of a decade. On one memorable occasion, we got a request so broad it essentially encompassed every document the Commission had received over a given period. We respond as currently required by the FOAA statute, within 5 business days, and provide both an estimated time to complete the request and an estimated cost. We do not have a full-time staff member dedicated to completing FOAA requests. We have one investigator who has experience responding to FOAA requests who handles every request that the Commission gets, and they do that in addition to all their other work. Generally, we provide the requested documents within 6-8 weeks, depending on that staff person's workload. This bill would constitute a significant administrative burden for the Commission, and our fiscal note reflects this foreseeable impact on the agency's operations.

Thank you for this opportunity to provide testimony about LD 152. The Commission would be pleased to discuss these issues with you at your convenience, including at the work session on this matter.

Sincerely,

Kit Thomson Crossman, Executive Director

Cc: Commissioners