

State of Maine
DEPARTMENT OF EDUCATION

Written testimony of Jennifer Belanger, Legislative and Constituent Services Specialist

In Opposition to: L.D. 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

Before the Joint Standing Committee on Judiciary

Sponsored by: Representative Libby

Co-sponsored by: Representative Looker and Sinclair

Date: February 5, 2025

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

My name is Jennifer Belanger, Legislative and Constituent Services Specialist at the Maine Department of Education, and I am writing 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. Since January 2024, my work at the Maine Department of Education (DOE) includes serving as its Freedom of Access Act (FOAA) coordinator, ensuring that public requests for information are fulfilled with fidelity according to relevant federal and state laws.

To fulfill each FOAA request, I must liaise with colleagues within the DOE who serve in content-specific areas subject to the request. These colleagues already have heavy workloads with their own urgent deadlines. When a member of the public seeks email communication records, it is my responsibility to coordinate with the Office of Information Technology (OIT), and conduct an exhaustive search of email records, to engage in necessary redactions to protect personally identifiable information such as student names and records, and to ensure that the documentation is in a format that is receivable by the requestor. This process can take many hours for one single request and requires focused attention to ensure adherence with statute. Often, we are juggling coordination of multiple FOAAs, liaising with colleagues to gather records, and meticulously documenting this work, while also managing the Department's other duties.

Frequently, we are able to fulfill a FOAA request within the 30-day time period proposed in LD 152. It is certainly always our goal at the Department to provide the public with their requested information in a timely manner. In fact, in 2024, 180 of the 227 FOAA requests we received at the Department of Education were fulfilled with a final response within 30 days, a track record that we are proud of. However, there are occasions that a FOAA simply cannot be fulfilled within 30 days with existing resources. Sweeping, broad requests that require time and detailed attention to produce require more time. To comply with the changes proposed in LD 152,

additional staffing would be required at the DOE, likely with a full-time staff member whose sole role is to respond to and gather information for FOAA requests.

For these reasons, the Department of Education is 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.