



Maine County Commissioners Association

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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

February 5, 2025

Chair Carney, Chair Kuhn, and Members of the Joint Standing Committee on Judiciary, my name is Andre Cushing and in addition to serving as a member of the board of commissioners for Penobscot County, I am writing today in my role as President of the Maine County Commissioners Association. We appreciate the opportunity to provide testimony to the Committee in *opposition* to LD 152. We believe Maine's Freedom of Access Act currently provides a reasonable time frame for state and local government agencies to respond to information requests, and we oppose the imposition of a rigid statutory deadline on responding to such requests.

About MCCA. Briefly, the Maine County Commissioners Association was established in 1890 to assist Maine's county government in providing vital services to Maine citizens in a responsive, efficient, and credible manner. The Association is based in Augusta, represents all 16 of Maine's counties, and is governed by a board with representation from each county.

Background. Maine's Freedom of Access Act ("FOAA") grants the people of Maine a right of access to public records, while also protecting legitimate governmental interests and the privacy rights of individual citizens. In addition, the FOAA is intended to ensure the accountability of the government to the citizens of the State by requiring public access to the meetings of public bodies, including meetings of county commissioners. Individuals may submit requests to the pertinent public body or agency, such as county commissions, to produce certain public records, and the public body or agency responds to such request.

What does LD 152 do? LD 152 requires a body, agency or official subject to a FOAA request to fully respond to that request within 30 calendar days. FOAA currently does not include a statutory deadline for response, and response times by public institutions must be "reasonable."

Discussion. Counties receive numerous requests for public records pursuant to the FOAA each year and work diligently to respond to each individual request in a timely manner. The complexity and nature of each request varies and greatly affects the time and resources that are expended by staff to produce the requested records. While county staff is often able to fully respond to FOAA requests within 30 days, that timeframe is not always practicable.

Based on the experience of county staff, the time required to fully respond to a FOAA request greatly depends on the amount of time and resources expended by county staff in the production of the requested records. As a result, our Association is concerned with this bill which creates a statutory deadline to fully respond to a request and we write in opposition. There are simply times where it takes longer to respond than 30 days, and current law provides reasonable flexibility in this regard. Any change beyond this is unwarranted.

Comments of MCCA re LD 152

February 5, 2025

Page 2

Conclusion. We appreciate the opportunity to provide testimony on this bill, and if you have questions or need additional information, please do not hesitate to let us know.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andre E. Cushing". The signature is fluid and cursive, with a prominent initial "A" and a long, sweeping underline.

Andre Cushing
President, MCCA

cc: James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel