



City of Auburn, Maine

Office of the Mayor

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

January 29, 2025

**Testimony of City of Auburn Mayor Jeffrey Harmon on 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**

Senator Carney and Representative Kuhn, and distinguished members of the Joint Standing Committee on the Judiciary, my name is Jeffrey Harmon, I'm the mayor of Auburn, and I am providing testimony in opposition to LD 152.

Currently the agency or official that has custody or control of public records is required to produce the records in response to a request to examine or copy public records within a reasonable period. This bill seeks to amend the response period to require a full response within 30 days. Such a change will impose an undue burden upon the City of Auburn and will, in some instances, make it impossible for the city to make a compliant response.

In 2024 the City of Auburn received 1,161 FOAA requests. Of those, 11 were closed as the requestor never responded to the City's request for approval of estimated cost or the requestor declined to proceed once the estimated cost was furnished.

For 1,103 of the 1,150 requests that the city responded to, the city provided the requested documents, or if no responsive documents were found an appropriate response, within five days. Of the remaining 47 requests, all but four were responded to within 30 days with these four responses provided between 31 and 44 days.

While the breadth of the request dictates the extent of the search and volume of records produced, the most frequent reason for an extended response time is the availability of personnel. Some FOAA requests are quite broad and can include records such as notes, text messages, and phone logs, records that must be searched for and produced by individual employees. If a particular employee is not available, as they are on vacation, medical leave, training assignment, etc., the city will be delayed in their response.

Additionally, some records require legal review to determine if some, or all, of the records, in whole or in part, are protected from dissemination and must be withheld or redacted. The time to perform this review varies depending upon the nature and volume of the documents covered by the FOAA request.

When response to a FOAA request will take an extended period, the city notifies the requestor of the situation and of the expected response date. In 2024 the city did not receive any complaints regarding the timeliness of their response to FOAA request.

The City of Auburn believes that the current standard, a reasonable time, is appropriate. Should a requestor not be satisfied with the response that they are receiving from the record holder they can

make a complaint to the Public Access Ombudsman who will attempt to mediate a resolution on their behalf. Should that effort fail, the requestor may file a complaint with the Superior Court.

Changing the standard to require a full response within 30 days in all instances will cause even the most diligent record holders to, at times, violate the statutory requirement.

