



CITY OF BANGOR

Joint Committee on the Judiciary

Testimony in Opposition of 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 3, 2025

Senator Carney, Representative Kuhn and distinguished members of the Judiciary Committee, I am Grace Innis, and I serve the City of Bangor as its Assistant City Attorney as well as its Public Access Officer. I am providing testimony 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.”

If passed, LD 152 would establish an arbitrary 30-day deadline for public entities to respond to any and all FOAA requests received. We are very concerned that, if passed, LD 152 will lead to serious and unnecessary interruption and lengthy delays in the City’s regular activities and ability to service the needs of the people of the City of Bangor, and that the Act itself, if passed, will be impossible to comply with for many FOAA requests. Imposing an arbitrary 30-day deadline to respond to any and all FOAA requests, no matter how broad or complex, rather than relying on the balanced enforcement mechanism the FOAA statute already contains, would cripple City departments that regularly receive multiple, massive and complex FOAA requests. The bill actually directly conflicts with the FOAA’s §408(A)(5), which states that inspection, conversion of electronic records, and copying of requested public records may be scheduled to occur at a time that will not delay or inconvenience the regular activities of the agency or official having custody or control of the public records requested.

The City of Bangor receives hundreds of FOAA requests every year. Most requests are simple and are able to be responded to immediately or within a matter of days, but many requests are broad and complex and require sometimes hundreds of hours of staff time to comply with. Some public records requests are drafted like discovery requests in lawsuits (sometimes by lawyers), with many separate requests with multiple subparts for each, designed to cover a broad range of topics and documents spanning over a period of many years. The more complex and broad requests, and those that request sensitive information, require coordination by multiple City departments, as well as review and redaction of confidential information contained in otherwise public documents by personnel with knowledge of the many and various confidentiality laws.

Staff coordinate and compile responsive materials and review all materials prior to their release to ensure that no confidential information is inadvertently shared publicly, as revealing such information would violate the law. It would be impossible to comply with certain broad and complex FOAA requests within 30 days, and multiple City departments would need to be shut down or severely delayed from being able to service the rest of the public when in the process of dealing with these types of FOAA requests.



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The City of Bangor also regularly receives a number of broad requests from media companies, political action groups, and others, where requests are made for “all communications” to or from any City of Bangor official or employee, or specified public officials or employees, related to a certain topic or subject matter, going back several years. These communications often must be searched for and collected across several departments, and all the gathered communications must be examined for confidential information that must then be redacted. This is another example of a type of request where it would often be impossible to provide the appropriate, responsive materials, with the appropriate redactions, within 30 days.

We at the City of Bangor support the goal of the FOAA, which is to ensure that the actions of public bodies be taken openly, and we believe that the FOAA aids in conducting the people’s business. However, imposing an arbitrary 30-day deadline within the statute would make it impossible for the City of Bangor to comply with the law, and will certainly result in the shutting down or very lengthy delays in City departments being able to continue to service the needs of the rest of the public.

The current FOAA already provides a well-balanced protocol allowing the public to access public documents while preserving a public entity’s ability to continue to service the public while also providing appropriate responses to FOAA requests within a reasonable period of time. The FOAA already provides an easy mechanism for the public to bring an enforcement action that will be heard quickly by a court in the event a member of the public believes a public entity has failed to follow the procedures and/or timely produce a public document that has been requested. If passed, LD 152 would directly conflict with the well-balanced procedures that are set up in the FOAA.

We thank you for your consideration. Please do not hesitate to reach out with questions.

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