



February 5, 2025

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

***Re: 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***

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

The Maine Water Utilities Association (MWUA) appreciates the opportunity to provide testimony in opposition to LD 152 which mandates that freedom of access act requests for public records be fulfilled within 30 days of the request.

**About MWUA.** MWUA is a nonprofit association based in Augusta that provides support for water works professionals throughout the State of Maine in advocating for safe drinking water through educational and technical programming as well as advocacy on the local, state, and national level. The Association was formed in 1925 and consists of approximately 86 utility and 60 associate members. Maine's water utilities provide service to approximately 700,000 Maine residents, thousands of Maine businesses and public institutions, and millions of visitors to Maine every year.

**Background.** Most water utilities in Maine are municipally owned or quasi-municipal entities. Therefore, they are subject to the provisions of Maine's Freedom of Access Act (FOAA) requirements including providing copies of all public records. Maine's water utilities have decades (and in many cases more than 100 years) of records.

**Discussion.** LD 152 requires public agencies or officials to comply with a request for public records within 30 days after a request is made. MWUA opposes this legislation for two primary reasons. First, water utilities in this State have volumes of records. Any record request which seeks a large number of records may simply not be able to be fulfilled in 30 days because of the volume of records which may need to be produced. The proposed legislation is broad and does not take this into consideration.

Second, water utilities are staffed to provide utility services. They do not have "extra" administrative personnel who can devote their work hours to complying with a records request to the exclusion of conducting other water utility business. The staffing issue becomes even more challenged when workers are out for health or family leave reasons. Water utilities do respond to requests for public records and will continue to do so. Given limited staff resources, and the need to prioritize the safe operation of the water system, there can be no guarantee that a water utility can meet a statutory deadline of responding within 30 days while still providing water utility services to its customers.

**Conclusion.** While most FOAA requests for copies of utility records are completed quickly, adding a 30-day statutory deadline has the potential to cause utility employees to choose between conducting critical utility business or being out of compliance with a records request. Placing utilities in this no-win



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situation is inappropriate and could jeopardize public health and safety. Therefore, we urge you to reject LD 152 and vote Ought Not to Pass.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Nicki Pellenz", with a stylized flourish at the end.

Nicki Pellenz  
Executive Director

cc: Roger Crouse, Chair, MWUA Legislative & Regulatory Affairs Committee  
James I. Cohen, Verrill Dana, LLP, Legislative Counsel

