



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
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**Testimony of Meghan Russo
Maine Department of Transportation
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 Record

Senator Carney, Representative Kuhn, members of the Joint Standing Committee on Judiciary, I am Meghan Russo, Director of Government Affairs at MaineDOT and I submit the following testimony for your consideration 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*.

MaineDOT strives to respond to FOAA requests in as short a time as practicable. Of the 86 FOAA requests that MaineDOT received in 2024, we responded to 48 of those requests within 5 days and an additional 28 requests within 6 to 30 days (76 requests in all). Of the remaining 10 FOAA requests, we were able to respond to 5 requests within 31 to 60 days, with 2 additional requests requiring a longer response time because of their breadth. (The 3 remaining requests were not pursued by the requesters.)

Setting a maximum of 30 days for inspection of public records and for agencies to respond to all FOAA requests is impracticable. Some FOAA requests that MaineDOT receives are voluminous. They sometimes involve the need for MaineDOT to ask the Maine Office of Information Technology (OIT) for an email search for multiple MaineDOT staff involved in a project over an extended period of time, sometimes as long as 24 months, or an extensive MaineDOT search of internal records. While OIT strives to be responsive to our requests for email searches, there can be delays in obtaining search results. Once the OIT search results are provided to us, we still need time to review the emails and their attachments to determine whether they are responsive to the FOAA request and exclude any non-responsive or confidential information. At times, the number of search results returned to us by OIT is in the thousands.

Amending the FOAA statute to set a 30 day limit for the requester to inspect and copy public records and for agencies to respond to a FOAA request does not take into account a provision in statute that makes it clear that a state agency is not required to set aside its regular activities to respond to a FOAA request. The existing standard of a “reasonable time” in the FOAA statute

takes that into account and provides a balance between an agency's work on accomplishing its mission and the public's interest in obtaining public records without undue delay.

For these reasons, we believe that the existing standard of a reasonable time in the FOAA statute should remain. Thank you.