

TESTIMONY IN OPPOSITION TO

L.D. 1797

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE RIGHT TO KNOW ADVISORY COMMITTEE CONCERNING DENIALS OF PUBLIC RECORDS REQUESTS

May 2, 2025

Senator Carney, Representative Kuhn, and members of the Judiciary Committee, I am Steven Bailey, the Executive Director of the Maine School Management Association, testifying on behalf of the legislative committees of the Maine School Boards Association and the Maine School Superintendents Association in opposition to L.D. 1797, An Act to Implement the Recommendations of the Right to Know Advisory Committee Concerning Denials of Public Records Requests.

Our associations believe this bill is unnecessary and would only add additional costs, legal fees, and additional administrative burdens on to local schools and municipalities that may already have limited resources to respond to public records requests.

L.D. 1797 would require that, if an agency refuses to allow the inspection or copy of a public record, their written “notice of a denial must contain a citation to the statutory authority used as the basis for the denial.” We understand the desire for this provision to be added to statute – it promotes a spirit of transparency and helps requestors to better understand and respond to denials.

However, we believe current law already allows for this transparency. The statute already states that an agency, if denying a request, must provide, “within 5 working days of the receipt of the request for inspection or copying, written notice of the denial, stating the reason for the denial or the expectation that the request will be denied in full or in part following a review.”

As this makes clear, an agency must already provide a reason for a denial. Despite very limited resources in many areas, Maine school districts work to abide by this statute and ensure transparency already. Administrators or their assistants are often the ones responding to public records requests, and they do so while handling many other responsibilities. Despite these resource challenges, schools respond to requests as quickly as possible and provide as much information as they can. If a district is unable to immediately fulfill a request, they communicate with requestors – sharing with them the particular reason that a record may not exist or is not available.

The current system already promotes transparency and collaboration. Requiring “a citation to the statutory authority” used as the basis of a denial will only require school districts to consult with legal counsel on these requests – adding more costs to districts and likely adding another step that could, in effect, lengthen the time it takes for a school district to respond.

While our organizations believe in transparency, implementing these recommendations would only add additional time and administrative burden to the public record review process. For these reasons, we urge you to reject L.D. 1797.