

TESTIMONY IN SUPPORT OF

L.D. 1827

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE RIGHT TO KNOW ADVISORY COMMITTEE CONCERNING 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 support of L.D. 1827, An Act to Implement the Recommendations of the Right to Know Advisory Committee Concerning Public Records Requests.

This bill rightfully recognizes the challenges that many public institutions – including public schools – have faced in responding to public records requests and appropriately balances public transparency without overburdening our schools.

Maine's Freedom of Access Law already provides certain recourse to a public entity if it is confronted with a record request that is unduly burdensome or oppressive. The agency can deny all or part of such a request, and if necessary, can seek an action for protection in court.

Maine schools want to be transparent and work together with community members. In the vast majority of cases, schools respond to public requests quickly – often within just a few hours or days – supplying residents with important public information they desire. In fact, some schools are now posting any requested records online, allowing anyone from the community to observe them.

Some of these requests can be very time-consuming – sometimes requesting many years of records or requiring substantial review and redaction, leading to substantial costs beyond the first two hours of staff time (which must be free). In these cases, schools seek to work with a requestor to limit the request.

However, some schools have encountered requestors who seek to avoid these costs by making many smaller requests, effectively taking advantage of current laws. This type of action can be debilitating for a school district – together, this series of requests can total dozens of hours, with no ability to charge for this work. Often, this work of reviewing and copying records falls on an administrator or administrative assistant, and it comes at the expense of their other important work ensuring smooth operations of a school building. As we have shared with this committee before, burdensome requests have required districts to hire part-time staff – or required existing staff to solely focus on these requests for months at a time.

Again, schools believe deeply in ensuring transparent communication with their communities, but we also believe there must be appropriate state guardrails to protect public entities in this process. L.D. 1827 rightly recognizes the burdensome nature of these series of requests and would allow for an entity to deny these requests if they are found to be unduly oppressive or burdensome. This would provide an important fix to a loophole in the current law, and we believe it would improve school operations across the state. We urge you to pass L.D. 1827.