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**COORDINATED ACCESS TO PUBLIC RECORDS  
OF STATE AGENCIES**



**Office of the Attorney General**

**Janet T. Mills, Attorney General**

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**Report to the Joint Standing Committee on Judiciary  
State of Maine 126<sup>th</sup> Legislature**

January 2014

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## SUMMARY

### **Purpose**

Pursuant to Public Law 2013, chapter 229, An Act Regarding Coordinated Access to Public Records of State Agencies, the Office of the Attorney General gathered input from the Department of Administrative and Financial Services, Office of Information Technology (OIT) and state agency public access officers for the purpose of reviewing the current systems in State agencies for receiving and responding to requests for public records as well as reviewing the feasibility of developing a centralized, government-wide Freedom of Access Act (FOAA) administration system. P.L. 2013, ch. 229 is provided in Appendix A.

### **Method**

Fourteen executive branch departments were chosen to provide a representative example of current agency FOAA practice. Each agency responded to survey questions regarding their procedures for the intake, response and tracking of FOAA requests.

State agency public access officers worked cooperatively with the Office of the Attorney General to compile a reliable description of FOAA operations within the various agencies. An audit of individual agency FOAA compliance was outside the scope of this review.

The statutory language of P.L. 2013, ch. 229 requires that any proposed centralized FOAA system for State agencies include a single website address, a single e-mail address and a directory for the public to make requests for records. Information Resource of Maine (InforME) was identified as having the expertise needed to design proposed solutions within these specifications.

After a review of the online FOAA resources available to the public and current internal agency practices, InforME submitted two cost quotes for solutions that provide a centralized pathway for the public to make FOAA requests and a common administrative tracking system for State agencies.

Cognizant of budgetary constraints, the Office of the Attorney General and the Executive branch considered other cost-neutral methods to advance the policy of "making it easy" to make a FOAA request.

### **Findings**

The following findings highlight the key features of State agency FOAA administration and the legislative measures currently in place relative to the receipt of and response to requests for public records:

Maine State agencies disseminate information daily in the ordinary course of business and FOAA requests comprise only a portion of the requests for information received by agencies.

Procedures to manage the flow of information to the public include FOAA response systems that are distinct to each agency and dependent on variables such as the volume of FOAA requests, the complexity of confidentiality provisions of agency records and staff resources.

Although practice may differ based on need, every agency procedure must satisfy certain statutory requirements set forth in FOAA.

FOAA provides time frames for certain actions that must be taken in response to a FOAA request but the law does not specify how such policies must be implemented. Decisions about administrative details are made by agency management.

In addition to the procedural scheme for FOAA, other measures have been put in place that advance the principle of “making it easy” to make a FOAA request. The manner of making a request is not prescribed by statute, allowing multiple pathways for a person seeking public records to submit a request either verbally, in writing or electronically. Currently a centralized FOAA website provides a link to the contact information for designated State agency public access officers. The public access ombudsman in the Office of the Attorney General responds to inquiries from the public and assists in directing requests to the appropriate agency.

New FOAA legislation enacted in 2013 requires the development of a uniform log for State agency tracking and reporting data on the number of requests, the average response time and the costs of processing requests.

#### **Recommendation**

Recently enacted provisions in the law require agencies at all levels of government to designate public access officers as FOAA contacts. An incremental step forward would be to create easily identified links on State agency websites for requesters to contact the public access officer or get more information about making a FOAA request to that particular agency.

A State agency public access officer contact list is available on the centralized FOAA website [www.maine.gov/foaa](http://www.maine.gov/foaa). This list provides an email link as well as address and telephone contact information for each public access officer. Based on the availability of this resource, the cost of building another website is not justified.

Centralized reporting of limited State agency FOAA data will begin in 2014 and will be accomplished with existing resources. Information from this pilot project may be useful in evaluating the need and value of enhanced data tracking. Consideration of internal tracking systems should be delayed until outcomes from this project can be reviewed.

## STATE AGENCY FOAA ADMINISTRATION

### **Method**

For the purpose of reviewing the systems in State agencies for receiving and responding to requests for public records, fourteen executive branch departments were chosen to provide a representative example of current agency FOAA practice. A list of participating agencies is provided in Appendix E. The public access officers from each agency responded to survey questions regarding their procedures for the intake, response and tracking of FOAA requests. Based on the survey responses and follow up conversations with public access officers, a description of FOAA response systems within the various agencies was compiled.

### **FOAA and Requests for Information**

Maine State agencies disseminate information daily in the ordinary course of business and FOAA requests comprise only a portion of the requests for information received by agencies. A review of the amount and kind of information made available to the public suggests that agencies by necessity make a distinction between requests that can be characterized as FOAA and requests that are met as part of continuous, normal business operations. The criteria used to determine whether a request falls within FOAA is inconsistent across agencies and may reflect the fact that a FOAA request does not have to reference the statute. The manner of making a request is not prescribed by statute, allowing multiple pathways for a person seeking public records to submit a request either verbally, in writing or electronically. The same legislative policy that makes it easy for the public to make a FOAA request, i.e. any person, in any format without required language, can cause some confusion for agencies about how a request should be handled.

### **Agency FOAA Response Systems**

Procedures to manage the flow of information to the public include FOAA response systems that are distinct to each agency and dependent on variables such as the volume of FOAA requests, the complexity of confidentiality provisions of agency records and staff resources.

Responding to each request requires an understanding of departmental projects and activities and the role of each employee within the agency organizational structure.

Agency FOAA response systems can be grouped into three categories based on the formality of the procedures used to implement the system. Agencies with few FOAA requests may have a simple ad hoc procedure implemented by a single staff member while an agency with a complicated organizational structure that receives frequent FOAA requests is likely to develop a formal, written procedure that involves a team of departmental staff. Along this continuum are agencies that are developing clearer procedures and policies, sometimes in response to situations that revealed inadequacies in an earlier process.

### **Statutory Scheme for FOAA Response**

Although practice may differ based on need, every agency procedure must satisfy certain statutory requirements set forth in FOAA. The procedural scheme in FOAA is common to every agency in compliance with the statute.

The law sets forth a six step process for agency response once a FOAA request is received.

1. Acknowledge the request
2. Clarify what records are being requested
3. Estimate the time needed to respond and the cost
4. Compile responsive records
5. Notice of denial to confidential records
6. Provide access

Although FOAA provides time frames for certain actions that must be taken in response to a FOAA request, the law does not specify how such policies must be implemented. Decisions about administrative details such as the format and content of the acknowledgment, estimate and/or denial to a request are made by agency management.

### **Legislative Intent to Make it Easy to Make a FOAA Request**

In addition to a procedural scheme for FOAA, Maine has taken other measures that advance the principle of “making it easy” to make a FOAA request.

#### Right to Know Advisory Committee

The powers and duties of the Right to Know Advisory Committee include supporting the establishment of a central publicly accessible website with contact information for agencies. 1 M.R.S. § 411 is provided in Appendix B. A centralized FOAA website [www.maine.gov/foaa](http://www.maine.gov/foaa) provides an email link, address and telephone contact information for each designated State agency public access officer. This website is currently maintained by the public access ombudsman. The home page, “How to Make a Request” page, and the contact list are provided in Appendix F.

#### Public Access Officer

Agencies must designate a public access officer as the FOAA contact person with regard to requests for public records. 1 M.R.S. § 413 is provided in Appendix C. This recently enacted provision mandates that a member of agency staff be trained in the requirements of FOAA and act as a resource to the agency and a contact point for the public.

#### Public Access Ombudsman

The public access ombudsman in the Office of the Attorney General responds to inquiries from the public and assists in directing requests to the appropriate agency. 5 M.R.S. § 200-I is provided in Appendix D.

### **New FOAA Reporting**

The new FOAA legislation contained in P.L. 2013, ch. 229 requires the development of a uniform log for tracking and reporting on State agency FOAA responses, including data on the number of requests, the average response time and the costs of processing requests. Centralized reporting of limited State agency FOAA data will begin in 2014 and will be accomplished with existing resources.

## **FEASIBILITY OF DEVELOPING A CENTRALIZED SYSTEM**

### **Method**

The statutory language of P.L. 2013, ch. 229 requires that any proposed centralized FOAA system for State agencies include a single website address, a single e-mail address and a directory for the public to make requests for records. Information Resource of Maine (InforME) was identified as having the expertise needed to design proposed solutions within these specifications.

In a private-public partnership arrangement with the State, InforME maintains an array of electronic government services for agencies, including the Maine.gov Web Portal, a citizen-focused internet gateway to Maine government information.

After a review of the online FOAA resources available to the public and current internal agency practices, InforME submitted two cost quotes for solutions that provide a centralized pathway for the public to make FOAA requests and a common administrative tracking system for State agencies.

### **Two IT Options**

Information technology experts at InforME were asked to provide cost quotes for a solution that allows the public to submit a FOAA request to a State agency public access officer from a centralized website location. The project requires that InforME collect FOAA request details from the public and provide those details to the appropriate agency. The agency will be required to provide the InforME system with agency action details for each request.

#### **Option One:**

##### **“Auto Forms” Front End with “What’s New Topic” Back End**

##### Development Timeline and Cost Quote

Level of Effort: 20 – 25 development hours and 5 – 6 PM hours  
Cost: \$3,300 - \$4,200

##### For the Public Users

InforME will create an "Auto Form" which will collect the requester's name, address, phone, email, agency that should fulfill the request and request details. When the user clicks the "submit" button, that will go into a "What's New Topic."

##### For the Agency

InforME will create a "What's New Topic" for each agency public access officer. Each public request will feed directly into the "What's New Topic" for that agency as an inactive entry.

The public access officer will have the ability to provide basic fulfillment details for the request including:

- The date the request was received
- The date that the request was acknowledged
- The date that an estimate was provided to the requester
- The date that any clarification requests were sent



- The date that the request was fulfilled or completed
- The cost associated with the request
- The number of hours spent on the request
- Notes

For the Office of the Attorney General

Each of the agency requests will feed up to a main "What's New Topic" that will allow the Office of the Attorney General to view details for all requests. InforME will create a function that will allow reports to be generated on demand. The reports will be searchable by date range and agency and will provide summary data (number of requests, costs, hours, fulfillment time) or specific request details.

**Option Two:**

**Custom Built Front and Back End**

Development Timeline and Cost Quote

Level of Effort: 60 – 200 development hours and 32 - 40 PM hours

Cost: \$25,000 - \$33,000

For the Public Users

InforME will create a custom HTML form to collect the requester's name, address, phone, email, agency that should fulfill the request and request details. When the user clicks the "submit" button the request will feed into a database specifically created by InforME for FOAA requests.

For the Agency

InforME will create an administrative site that will allow the public access officer to review requests to their agency only. Their username and password will determine which requests a public access officer can review and which are hidden from view. The administrative interface will have the following features:

- Each public access officer will be provided with a list of users within their agency to assign a request to (name, email, phone) or they will be provided the option to assign the request to a user not within the pick list (where they will supply name, email, phone of the fulfiller.) Once assigned, details of the request will be emailed to the appropriate assignee from the system.
- Each public access officer will have the ability to send a templated email from the system to the requester. Templates will be provided for the following actions:
  - Request acknowledgement
  - Request clarification
  - Request estimate of time and expense
  - Request denial
- Each public access officer will be able to enter a new request.
- Each request will have the following fields for completion:
  - Person fulfilling the request (from the pick list or add new)
  - Fulfiller phone
  - Fulfiller email
  - Request received date
  - Request acknowledged date

- Estimated provided date
- Clarification request date
- Fulfillment date/completed date
- Cost in dollars
- Cost in supplies
- Effort in hours
- Notes

#### For the Office of the Attorney General

InforME will create an administrative site that will allow the Office of the Attorney General to review all requests and generate on-demand reports by date range and/or agency. The reports will provide summary data (number of requests in total, number of requests by department, costs in dollars, effort in hours, average fulfillment time) or specific request details (all details from each request in XLS format.)

#### **Feasibility of Proposed Options**

The proposed options designed by InforME match the specifications for a centralized FOAA portal for submission of public records requests and a standardized tracking system. Together these options represent the low-end and high-end cost range. Although both options offer different levels of centralized FOAA request and tracking features, there are issues common to both that should be considered in evaluating feasibility.

#### Scope of Agencies Included

The organizational structure of Maine State government includes the executive department agencies, quasi-independent agencies and a number of boards and commissions all subject to FOAA. The authorizing legislation does not define the scope of agencies to be included in a centralized system.

#### Distinguishing a FOAA Request from a Request for Information

The method for designating a FOAA request varies across State agencies. The authorizing legislation does not define the scope of requests that must be tracked as FOAA requests.

#### No “One-Stop” Shopping

Both proposals require that the requester identify an agency to receive the records request. A requester who is unsure which agency has possession of the desired records would have to access other resources to determine how to direct the submission. Assigning personnel to receive all State agency request submissions through this centralized portal and direct the requests would result in an added level of FOAA administration.

#### Duplicative Tracking

The tracking systems in both proposals do not automatically include information from FOAA requests received through other means, such as telephone, letter or staff email accounts. Agencies are required to maintain and report data on all FOAA requests and this could result in duplicative tracking systems.

Cost

The return on investment for each option should be evaluated in light of the resources currently available to the public for making a FOAA request and the limited amount of agency data that is statutorily required to be tracked.

## RECOMMENDATION

Recently enacted provisions in the law require agencies at all levels of government to designate public access officers as FOAA contacts. An incremental step forward would be to create easily identified links on State agency websites for requesters to contact the public access officer or get more information about making a FOAA request to that particular agency.

Executive branch policy makers, with the assistance of web coordinators for the agencies, could evaluate the following suggestions and implement actions to increase visibility of agency FOAA resources:

### Public Access Officer Contact Information

State agency public access officer contact information could be posted in a conspicuous place, such as the home page of the agency website.

### Agency Website FOAA Icon

A standardized FOAA icon, placed in the footer of the home page of each agency, would provide visual continuity for users. The link could point to a dedicated FOAA page within the agency website with instructions and information for the requester.

### Agency Website FOAA Search Term

For requesters using the search feature on an agency website, a keyword match for “FOAA” in the search term could connect to a centralized FOAA information page link. In the alternative, a “FOAA” search term hit could lead to an individual page link with agency specific information.

A State agency public access officer contact list is available on the centralized FOAA website [www.maine.gov/foaa](http://www.maine.gov/foaa). This list provides an email link as well as address and telephone contact information for each public access officer. Based on the availability of this resource, the cost of building another website is not justified.

Centralized reporting of limited State agency FOAA data will begin in 2014 and will be accomplished with existing resources. Information from this pilot project may be useful in evaluating the need and value of enhanced data tracking. Consideration of internal tracking systems should be delayed until outcomes from this project can be reviewed.

## APPENDIX A

### P.L. 2013, ch. 229 An Act Regarding Coordinated Access to Public Records of State Agencies

**Sec. 1. 5 MRSA §200-I, sub-§2, ¶¶D and E**, as enacted by PL 2007, c. 603, §1, are amended to read:

D. Furnish, upon request, advisory opinions regarding the interpretation of and compliance with the State's freedom of access laws to any person or public agency or official in an expeditious manner. The ombudsman may not issue an advisory opinion concerning a specific matter with respect to which a lawsuit has been filed under Title 1, chapter 13. Advisory opinions must be publicly available after distribution to the requestor and the parties involved; ~~and~~

E. Make recommendations concerning ways to improve public access to public records and proceedings; ~~and~~

**Sec. 2. 5 MRSA §200-I, sub-§2, ¶F** is enacted to read:

F. Coordinate with the state agency public access officers the compilation of data through the development of a uniform log to facilitate record keeping and annual reporting of the number of requests for information, the average response time and the costs of processing requests.

**Sec. 3. Development of centralized methods for public record requests; report.** The Department of the Attorney General, with input from the Department of Administrative and Financial Services, Office of Information Technology and state agency public access officers as defined in the Maine Revised Statutes, Title 1, section 402, subsection 5, shall:

1. Review the current system used by state agencies for receiving and responding to requests for public records in accordance with Title 1, chapter 13, subchapter 1; and
2. Review the feasibility of developing a centralized system for coordinating the receipt of and response to requests to state agencies for public records in accordance with Title 1, chapter 13, subchapter 1.

A centralized system developed by the Department of the Attorney General must include a single website address, a single e-mail address and a directory for the public to use to make requests for public records of all state agencies. By January 5, 2014, the Department of the Attorney General shall submit to the Joint Standing Committee on Judiciary a report relating to the reviews under this section, including findings and recommendations and suggested statutory changes needed to implement the recommendations. The Joint Standing Committee on Judiciary may report out a bill relating to the subject matter of the report to the Second Regular Session of the 126th Legislature.

## APPENDIX B

### 1 M.R.S. § 411 Right To Know Advisory Committee

**1. Advisory committee established.** The Right To Know Advisory Committee, referred to in this chapter as "the advisory committee," is established to serve as a resource for ensuring compliance with this chapter and upholding the integrity of the purposes underlying this chapter as it applies to all public entities in the conduct of the public's business.

[ 2005, c. 631, §1 (NEW) .]

**2. Membership.** The advisory committee consists of the following members:

A. One Senator who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the President of the Senate; [2005, c. 631, §1 (NEW).]

B. One member of the House of Representatives who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the Speaker of the House; [2005, c. 631, §1 (NEW).]

C. One representative of municipal interests, appointed by the Governor; [2005, c. 631, §1 (NEW).]

D. One representative of county or regional interests, appointed by the President of the Senate; [2005, c. 631, §1 (NEW).]

E. One representative of school interests, appointed by the Governor; [2005, c. 631, §1 (NEW).]

F. One representative of law enforcement interests, appointed by the President of the Senate; [2005, c. 631, §1 (NEW).]

G. One representative of the interests of State Government, appointed by the Governor; [2005, c. 631, §1 (NEW).]

H. One representative of a statewide coalition of advocates of freedom of access, appointed by the Speaker of the House; [2005, c. 631, §1 (NEW).]

I. One representative of newspaper and other press interests, appointed by the President of the Senate; [2005, c. 631, §1 (NEW).]

J. One representative of newspaper publishers, appointed by the Speaker of the House; [2005, c. 631, §1 (NEW).]

K. Two representatives of broadcasting interests, one appointed by the President of the Senate and one appointed by the Speaker of the House; [2005, c. 631, §1 (NEW).]

L. Two representatives of the public, one appointed by the President of the Senate and one appointed by the Speaker of the House; and [2005, c. 631, §1 (NEW).]

M. The Attorney General or the Attorney General's designee. [2005, c. 631, §1 (NEW).]

The advisory committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee.

[ 2005, c. 631, §1 (NEW) .]

**3. Terms of appointment.** The terms of appointment are as follows.

A. Except as provided in paragraph B, members are appointed for terms of 3 years. [2005, c. 631, §1 (NEW).]

B. Members who are Legislators are appointed for the duration of the legislative terms of office in which they were appointed. [2005, c. 631, §1 (NEW).]

C. Members may serve beyond their designated terms until their successors are appointed. [2005, c. 631, §1 (NEW).]

**4. First meeting; chair.** The Executive Director of the Legislative Council shall call the first meeting of the advisory committee as soon as funding permits. At the first meeting, the advisory committee shall select a chair from among its members and may select a new chair annually.

[ 2005, c. 631, §1 (NEW) .]

**5. Meetings.** The advisory committee may meet as often as necessary but not fewer than 4 times a year. A meeting may be called by the chair or by any 4 members.

[ 2005, c. 631, §1 (NEW) .]

**6. Duties and powers.** The advisory committee:

A. Shall provide guidance in ensuring access to public records and proceedings and help to establish an effective process to address general compliance issues and respond to requests for interpretation and clarification of the laws; [2005, c. 631, §1 (NEW).]

B. Shall serve as the central source and coordinator of information about the freedom of access laws and the people's right to know. The advisory committee shall provide the basic information about the requirements of the law and the best practices for agencies and public officials. The advisory committee shall also provide general information about the freedom of access laws for a wider and deeper understanding of citizens' rights and their role in open government. The advisory committee shall coordinate the education efforts by providing information about the freedom of access laws and whom to contact for specific inquiries; [RR 2005, c. 2, §1 (COR).]

C. Shall serve as a resource to support the establishment and maintenance of a central publicly accessible website that provides the text of the freedom of access laws and provides specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. The website must include the contact information for agencies, as well as whom to contact with complaints and concerns. The website must also include, or contain a link to, a list of statutory exceptions to the public records laws; [RR 2005, c. 2, §1 (COR).]

D. Shall serve as a resource to support training and education about the freedom of access laws. Although each agency is responsible for training for the specific records and meetings pertaining to that agency's mission, the advisory committee shall provide core resources for the training, share best practices experiences and support the establishment and maintenance of online training as well as written question-and-answer summaries about specific topics. The advisory committee shall recommend a process for collecting the training completion records required under section 412, subsection 3 and for making that information publicly available; [2007, c. 576, §1 (AMD).]

E. Shall serve as a resource for the review committee under subchapter 1-A in examining public records exceptions in both existing laws and in proposed legislation; [2005, c. 631, §1 (NEW) .]

F. Shall examine inconsistencies in statutory language and may recommend standardized language in the statutes to clearly delineate what information is not public and the circumstances under which that information may appropriately be released; [2005, c. 631, §1 (NEW).]

G. May make recommendations for changes in the statutes to improve the laws and may make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and regional governmental entities with regard to best practices in providing the public access to records and proceedings and to maintain the integrity of the freedom of access laws and their underlying principles. The joint standing committee of the

Legislature having jurisdiction over judiciary matters may report out legislation based on the advisory committee's recommendations; [2005, c. 631, §1 (NEW).]

H. Shall serve as an adviser to the Legislature when legislation affecting public access is considered; [2005, c. 631, §1 (NEW).]

I. May conduct public hearings, conferences, workshops and other meetings to obtain information about, discuss, publicize the needs of and consider solutions to problems concerning access to public proceedings and records; [2005, c. 631, §1 (NEW).]

J. Shall review the collection, maintenance and use of records by agencies and officials to ensure that confidential records and information are protected and public records remain accessible to the public; and [2005, c. 631, §1 (NEW).]

K. May undertake other activities consistent with its listed responsibilities. [2005, c. 631, §1 (NEW).]  
[ 2007, c. 576, §1 (AMD) .]

**7. Outside funding for advisory committee activities.** The advisory committee may seek outside funds to fund the cost of public hearings, conferences, workshops, other meetings, other activities of the advisory committee and educational and training materials. Contributions to support the work of the advisory committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution shall certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the advisory committee's activities. Such a certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the advisory committee.

[ 2005, c. 631, §1 (NEW) .]

**8. Compensation.** Legislative members of the advisory committee are entitled to receive the legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the advisory committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the advisory committee.

[ 2005, c. 631, §1 (NEW) .]

**9. Staffing.** The Legislative Council shall provide staff support for the operation of the advisory committee, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session. In addition, the advisory committee may contract for administrative, professional and clerical services if funding permits.

[ 2005, c. 631, §1 (NEW) .]

**10. Report.** By January 15, 2007 and at least annually thereafter, the advisory committee shall report to the Governor, the Legislative Council, the joint standing committee of the Legislature having jurisdiction over judiciary matters and the Chief Justice of the Supreme Judicial Court about the state of the freedom of access laws and the public's access to public proceedings and records.

[ 2005, c. 631, §1 (NEW) .]

SECTION HISTORY



Coordinated Access to Public Records of State Agencies

RR 2005, c. 2, §1 (COR). 2005, c. 631, §1 (NEW). 2007, c. 576, §1 (AMD).

## APPENDIX C

### 1 M.R.S. § 413 Public access officer

**1. Designation; responsibility.** Each agency, county, municipality, school administrative unit and regional or other political subdivision shall designate an existing employee as its public access officer to serve as the contact person for that agency, county, municipality, school administrative unit and regional or other political subdivision with regard to requests for public records under this subchapter. The public access officer is responsible for ensuring that each public record request is acknowledged within a reasonable period of time and that a good faith estimate of when the response to the request will be complete is provided according to section 408-A. The public access officer shall serve as a resource within the agency, county, municipality, school administrative unit and regional or other political subdivision concerning freedom of access questions and compliance.

[ 2011, c. 662, §8 (NEW) .]

**2. Acknowledgment and response required.** An agency, county, municipality, school administrative unit and regional or other political subdivision that receives a request to inspect or copy a public record shall acknowledge and respond to the request regardless of whether the request was delivered to or directed to the public access officer.

[ 2011, c. 662, §8 (NEW) .]

**3. No delay based on unavailability.** The unavailability of a public access officer may not delay a response to a request.

[ 2011, c. 662, §8 (NEW) .]

**4. Training.** A public access officer shall complete a course of training on the requirements of this chapter relating to public records and proceedings as described in section 412.

[ 2011, c. 662, §8 (NEW) .]

SECTION HISTORY

2011, c. 662, §8 (NEW) .

## APPENDIX D

### 5 M.R.S. § 200-I Public Access Division; Public Access Ombudsman

**1. Public Access Division; Public Access Ombudsman.** There is created within the Department of the Attorney General the Public Access Division to assist in compliance with the State's freedom of access laws, Title 1, chapter 13. The Attorney General shall appoint the Public Access Ombudsman, referred to in this section as "the ombudsman," to administer the division.

[ 2007, c. 603, §1 (NEW) .]

**2. Duties.** The ombudsman shall:

A. Prepare and make available interpretive and educational materials and programs concerning the State's freedom of access laws in cooperation with the Right To Know Advisory Committee established in Title 1, section 411; [2007, c. 603, §1 (NEW).]

B. Respond to informal inquiries made by the public and public agencies and officials concerning the State's freedom of access laws; [2007, c. 603, §1 (NEW).]

C. Respond to and work to resolve complaints made by the public and public agencies and officials concerning the State's freedom of access laws; [2007, c. 603, §1 (NEW).]

D. Furnish, upon request, advisory opinions regarding the interpretation of and compliance with the State's freedom of access laws to any person or public agency or official in an expeditious manner. The ombudsman may not issue an advisory opinion concerning a specific matter with respect to which a lawsuit has been filed under Title 1, chapter 13. Advisory opinions must be publicly available after distribution to the requestor and the parties involved; [2013, c. 229, §1 (AMD).]

E. Make recommendations concerning ways to improve public access to public records and proceedings; and [2013, c. 229, §1 (AMD).]

F. Coordinate with the state agency public access officers the compilation of data through the development of a uniform log to facilitate record keeping and annual reporting of the number of requests for information, the average response time and the costs of processing requests. [2013, c. 229, §2 (NEW).]

[ 2013, c. 229, §§1, 2 (AMD) .]

**3. Assistance.** The ombudsman may request from any public agency or official such assistance, services and information as will enable the ombudsman to effectively carry out the responsibilities of this section.

[ 2007, c. 603, §1 (NEW) .]

**4. Confidentiality.** The ombudsman may access records that a public agency or official believes are confidential in order to make a recommendation concerning whether the public agency or official may release the records to the public. The ombudsman's recommendation is not binding on the public agency or official. The ombudsman shall maintain the confidentiality of records and information provided to the ombudsman by a public agency or official under this subsection and shall return the records to the public agency or official when the ombudsman's review is complete.

[ 2007, c. 603, §1 (NEW) .]

**5. Report.** The ombudsman shall submit a report not later than March 15th of each year to the Legislature and the Right To Know Advisory Committee established in Title 1, section 411 concerning the activities of the ombudsman for the previous year. The report must include:

A. The total number of inquiries and complaints received; [2007, c. 603, §1 (NEW).]

B. The number of inquiries and complaints received respectively from the public, the media and public agencies or officials; [2007, c. 603, §1 (NEW).]

C. The number of complaints received concerning respectively public records and public meetings; [2007, c. 603, §1 (NEW).]

D. The number of complaints received concerning respectively:

- (1) State agencies;
- (2) County agencies;
- (3) Regional agencies;
- (4) Municipal agencies;
- (5) School administrative units; and
- (6) Other public entities; [2007, c. 603, §1 (NEW).]

E. The number of inquiries and complaints that were resolved; [2007, c. 603, §1 (NEW).]

F. The total number of written advisory opinions issued and pending; and [2007, c. 603, §1 (NEW).]

G. Recommendations concerning ways to improve public access to public records and proceedings. [2007, c. 603, §1 (NEW).]

[ 2007, c. 603, §1 (NEW) .]

**6. Repeal.**

[ 2009, c. 240, §7 (RP) .]

SECTION HISTORY

2007, c. 603, §1 (NEW). 2009, c. 240, §7 (AMD). 2013, c. 229, §§1, 2 (AMD).

**APPENDIX E**

**List of Maine State Agencies Participating in Report**

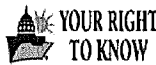
Department of Administrative and Financial Services  
Department of Agriculture, Conservation and Forestry  
Department of Corrections  
Department of Defense, Veterans and Emergency Management  
Department of Economic and Community Development  
Department of Education  
Department of Environmental Protection  
Department of Health and Human Services  
Inland Fisheries & Wildlife  
Department of Labor  
Department of Marine Resources  
Department of Professional & Financial Regulation  
Department of Public Safety  
Department of Transportation

**APPENDIX F**

**Maine Freedom of Access Act Website Pages**

“Your Right to Know: The Maine Freedom of Access Act”

<http://www.maine.gov/foaa/index.htm>

<p>Maine.gov Agencies   Online Services   Help   Search Maine.gov</p> <p>The Maine Freedom of Access Act</p> <p><b>Your Right to Know</b></p> <p>Page Tools  Home   Contact Us   Sitemap</p> <p>Search FOAA <input type="text"/> <input type="button" value="Search"/></p>		
<p>News &amp; Updates</p> <p>Frequently Asked Questions (FAQ)</p> <p>Public Access Ombudsman</p> <p>How to Make a Request</p> <p>Training for Elected Officials</p> <p>Statutory Exceptions to the Freedom of Access Law</p> <p>State FOAA Contacts</p> <p>Right to Know Advisory Committee</p>	<p><b>Your Right to Know: The Maine Freedom of Access Act</b></p> <p>The public's right to information about government activities lies at the heart of a democratic government. The Maine Freedom of Access Act ("FOAA") grants the people of this state a broad right of access to public records while protecting legitimate governmental interests and the privacy rights of individual citizens. The act also ensures the accountability of the government to the citizens of the state by requiring public access to the meetings of public bodies. Transparency and open decision-making are fundamental principles of the Maine Freedom of Access Act, and they are essential to ensuring continued trust and confidence in our government.</p>  <p>This website was created as part of the state's ongoing effort to educate and inform state employees and the public about the Maine Freedom of Access Act. On the site, you will find general information about the Freedom of Access Act, including information on how to make a FOAA request, answers to frequently asked questions, and regular updates on other important freedom of access issues. Providing universal access to resources that will inform and educate state employees and the public on the Freedom of Access Act is not just an aim but a priority for the state.</p> <p>Open government is good government and the state is committed to ensuring and protecting your "right to know."</p>	<p><b>Featured Links</b></p> <p><a href="#">Public Access Ombudsman Report (PDE)</a></p> <p><a href="#">The Freedom of Access Act on the Maine State Legislature website</a></p> <p><b>State Resources</b></p> <p><a href="#">Maine Attorney General's Office</a></p> <p><a href="#">Maine Freedom of Information Coalition</a></p> <p><a href="#">Maine Right to Know Advisory Committee</a></p> <p><a href="#">Public Meetings Calendar</a></p> <p><a href="#">Citizen's Guide to Maine Freedom of Access Act (PDF)</a></p> <p><b>Regional Resources</b></p> <p><a href="#">New England First Amendment Center</a></p> <p><b>National Resources</b></p> <p><a href="#">Freedom of Information Act</a></p> <p><a href="#">National Freedom of Information Coalition</a></p> <p><a href="#">Reporters Committee for Freedom of the Press</a></p> <p><a href="#">Sunshine Week</a></p>

“How to Make a Request”  
<http://www.maine.gov/foaa/request>

The screenshot shows the Maine.gov website with a navigation menu on the left and a main content area on the right. The navigation menu includes: News & Updates, Frequently Asked Questions (FAQ), Public Access Ombudsman, **How to Make a Request**, Training for Elected Officials, Statutory Exceptions to the Freedom of Access Law, State FOAA Contacts, and Right to Know Advisory Committee. The main content area is titled "How to Make a Freedom of Access Act Request" and contains the following text:

There is no central government records office that services Freedom of Access Act requests. Each public body or agency responds individually to requests for its own records. To submit a request, you should determine which public body or agency is likely to maintain the records you are seeking and submit a request to the individual designated as the Freedom of Access Act contact for that body or agency. Please refer to the [State of Maine Freedom of Access Act Contacts list](#) for individual contact information.

**Is there a form that must be used to make a Freedom of Access Act request?**

No. There are no required forms.

**Does my Freedom of Access Act request have to be in writing?**

No. The Freedom of Access Act does not require that requests for public records be in writing. However, most bodies and agencies ask individuals to submit requests in writing in order to maintain a record of when the request was received and what records were specifically requested.

**What should I say in my request?**

In order for the body, agency or official to promptly respond to your request, you should be as specific as possible when describing the records you are seeking. If a particular document is required, it should be identified precisely—preferably by author, date and title. However, a request does not have to be that specific. If you cannot identify a specific record, you should clearly explain the type of records you are seeking, from what timeframe and what subject the records should contain.

For example, assume you want to obtain a list of active landfills near your home. A request to the state Department of Environmental Protection asking for “all records on landfills” is very broad and would likely produce volumes of records. The fees for such a request would be very high; the agency would likely find your request too vague and ask that you make it more specific. On the other hand, a request for “all records identifying landfills within 20 miles of 147 Main Street in Augusta” is very specific and the request might fail to produce the information you desire because the agency has no record containing data organized in that exact fashion.

You might instead consider requesting any record that identifies “all active landfills in Augusta” or “all active landfills in Kennebec County.” It is more likely that a record exists which contains this information. You might also want to explain to the agency exactly what information you hope to learn from the record. In other words, if you are really trying to determine whether any active landfills near your home in Augusta accept only wood waste, this additional explanation may help the agency narrow its search and find a record that meets the exact request.

[More Frequently Asked Questions about FOAA](#)

“State FOAA Contacts”

<http://www.maine.gov/foaa/contactlist/index.htm>

[Maine.gov](#) | [About Us](#) | [Home](#) | [Contact Us](#) | [Feedback](#) | [Privacy Policy](#) | [Accessibility](#) | [Site Map](#) | [Help](#)

The Maine Freedom of Access Act  
**Your Right to Know**

Search:

[Home](#) → [State FOAA Contacts](#)

- [News & Updates](#)
- [Frequently Asked Questions \(FAQ\)](#)
- [Public Access Ombudsman](#)
- [How to Make a Request](#)
- [Training for Elected Officials](#)
- [Statutory Exceptions to the Freedom of Access Law](#)
- [State FOAA Contacts](#)**
- [Right to Know Advisory Committee](#)

### State Freedom of Access Act Contacts

Please note that any communications sent via email to state agencies could be considered public records and are therefore subject to disclosure under the Freedom of Access Act. Individuals who are deaf or hard of hearing can contact the public officials listed below using the Maine Telecommunications Relay Service (MERS), which is accessed by dialing 711.

Department	Contact	Phone	Address	City	State	ZIP Code
Administrative and Financial Services - Office of the Commissioner	<a href="#">David Heidrich</a>	624-7800	Cross Building	Augusta	ME	04333
Administrative and Financial Services - Bureau of Alcoholic Beverages and Lottery Operations	<a href="#">David Heidrich</a>	287-6750	10 Water Street	Hallowell	ME	04347
Administrative and Financial Services - Service Centers	<a href="#">David Heidrich</a>	624-7800	111 Sewall St, 76 State House Station	Augusta	ME	04333
Administrative and Financial Services - Bureau of General Services	<a href="#">David Heidrich</a>	624-7800	Cross Building, 77 State House Station	Augusta	ME	04333
Administrative and Financial Services - State Controller	<a href="#">David Heidrich</a>	624-7800	Cross Building, 14 State House Station	Augusta	ME	04333
Administrative and Financial Services - State Budget Officer	<a href="#">David Heidrich</a>	624-7800	Cross Building 3rd Floor	Augusta	ME	04333
Administrative and Financial Services - Office of Information Technology	<a href="#">David Heidrich</a>	624-7800	51 Commerce Drive, 145 State House Station	Augusta	ME	04333
Administrative and Financial Services - Bureau of Human Resources	<a href="#">David Heidrich</a>	624-7800	4 State House Station	Augusta	ME	04333
Administrative and Financial Services - Office of Employee Relations	<a href="#">David Heidrich</a>	624-7800	45 Memorial Circle	Augusta	ME	04333
Administrative and Financial Services - Maine Revenue Services	<a href="#">David Heidrich</a>	624-7800	51 Commerce Drive	Augusta	ME	04333
Agriculture, Conservation and Forestry	<a href="#">Mari Wells-Eagar</a>	287-4909	22 State House Station, 16 Elkins Lane	Augusta	ME	04333
Attorney General's Office	<a href="#">Phyllis Gardiner</a>	626-8800	6 State House Station	Augusta	ME	04333
Audit	<a href="#">Michael Poulin</a>	624-6266	66 State House Station	Hallowell	ME	04333
Corrections	<a href="#">Jody Breton</a>	287-4378	Tyson Bldg. AMH	Augusta	ME	04333



Coordinated Access to Public Records of State Agencies

Defense, Veterans and Emergency Management - Maine Emergency Management Agency	Daniel Goodheart	430-6000	33 State House Station, Camp Keyes	Augusta	ME	04333
Defense, Veterans and Emergency Management - Bureau of Veterans' Affairs	Daniel Goodheart	430-6000	33 State House Station, Camp Keyes	Augusta	ME	04333
Defense, Veterans and Emergency Management - Maine Military Authority	Daniel Goodheart	430-6000	33 State House Station, Camp Keyes	Augusta	ME	04333
Defense, Veterans and Emergency Management - Military Bureau	Daniel Goodheart	430-6000	33 State House Station, Camp Keyes	Augusta	ME	04333
Economic and Community Development	Doug Ray	624-9802	Cross Building	Augusta	ME	04333
Education	Alison P. Sucey	624-6613	Cross Building, 23 State House Station	Augusta	ME	04333
Environmental Protection	Andrea Lani	287-5902	17 State House Station, 28 Tyson Drive	Augusta	ME	04333
Finance Authority of Maine	Beth Bordowitz	623-3263	5 Community Drive P.O. Box 949	Augusta	ME	04332
Governor, Office of the	Carlisle McLean	287-3535	1 State House Station	Augusta	ME	04333
Health and Human Services	Kevin Wells	287-4252	221 State Street 11 State House Station	Augusta	ME	04333
Inland Fisheries and Wildlife Office of the Commissioner	Chrystl F. Theriault	287-1197	284 State Street	Augusta	ME	04333
Labor	Julie D. Rabinowitz	621-5009	54 State House Station	Augusta	ME	04333
Maine Housing Authority	Linda Uhl	626-4600	353 Water Street	Augusta	ME	04330
Maine Commission on Governmental Ethics	Paul Lavin	287-3024	135 State House Station	Augusta	ME	04333
Maine Commission on Indigent Legal Services	John Pelletier	287-3254	154 State House Station	Augusta	ME	04333
Maine Arts Commission - Programs	Donna McNeil	287-2714	25 State House Station, 193 State Street	Augusta	ME	04333
Maine Arts Commission - Business Administration	Gail Waddell	287-5633	Maine State Library State Office Complex	Augusta	ME	04333
Maine International Trade Center	Janine Bisailion-Cary	541-7400	511 Congress Street, Suite 100	Portland	ME	04101
Maine Historic Preservation Commission	Earle Shettleworth	287-2132	55 Capitol Street, 65 State House Station	Augusta	ME	04333
Maine Human Rights Commission	Amy M. Sneirson	624-6290	51 State House Station	Augusta	ME	04333
Maine Health Data Organization	Karylee Harrington	446-0890	151 Capitol Street, 102 State House Station	Augusta	ME	04333
Maine State Board of Nursing	Tracy Pushard	287-1146	158 State House Station	Augusta	ME	04333
Maine Technology Institute	Betsy Biemann	582-4790	405 Water Street, Suite 300	Gardiner	ME	04345
Maine Turnpike Authority	Jon Arey	871-7771	2360 Congress St	Portland	ME	04102
Marine Resources	Jessica McKay	624-6553	Winthrop Street	Hallowell	ME	04347-0021
Professional and Financial Regulation - Office of the Commissioner	Arne Head	624-8511	76 Northern Avenue, 35 State House Station	Gardiner	ME	04333-0035
Professional and Financial Regulation - Bureau of Financial Institutions	John Barr	624-8561	76 Northern Avenue, 36 State House Station	Gardiner	ME	04333-0035
Professional and Financial Regulation - Office of Securities	Judy Shaw	624-8551	76 Northern Avenue, 121 State House Station	Gardiner	ME	04345
Professional and Financial Regulation - Office of Professional and Occupational Regulation	Anne Head	624-8633	76 Northern Avenue, 35 State House Station	Gardiner	ME	04333-0035
Professional and Financial Regulation - Bureau of Insurance	Tom Record	624-8424	76 Northern Avenue, 34 State House Station	Gardiner	ME	04345
Professional and Financial Regulation - Bureau of Consumer Credit Protection	Will Lund	624-8527	76 Northern Avenue, 35 State House Station	Gardiner	ME	04333-0035
Public Advocate	Patty Moody-D'Angelo	287-2447	103 Water Street 3rd Floor	Hallowell	ME	04347
Public Safety	Christopher Parr	624-7205	45 Commerce Drive - Suite 1	Augusta	ME	04333
Public Utilities Commission	Joanne Steneck	287-1390	242 State Street	Augusta	ME	04333
Secretary of State	Raphaelle Silver	626-8400	148 State House Station	Augusta	ME	04333
Transportation	Toni Kemmerle	624-3024	Child Street, 2nd Level	Augusta	ME	04333
Treasurer	Kristi L. Carlow	624-7479	111 Sewall St., Cross Building	Augusta	ME	04333
Workers' Compensation Board	John Rohde	287-7091	AMHI Deering Building	Augusta	ME	04333

## Coordinated Access to Public Records of State Agencies

Report to the Joint Standing Committee on Judiciary

January 2014

### SUMMARY OF STATE AGENCY FOAA ADMINISTRATION

AGENCY	ORGANIZATIONAL STRUCTURE	FOAA TRACKING SYSTEM	DISTINGUISH "FOAA" FROM REQUEST FOR INFORMATION	POLICY	RESPONDING TO FOAA REQUESTS	UNIFORM DATA TRACKING & REPORTING	COMMENT
<p><b>Department of Administrative &amp; Financial Services</b></p>	<p>Nine bureaus including Maine Board of Tax Appeals, Maine Revenue Services, Bureau of Alcoholic Beverages, Bureau of General Service, Bureau of Human Resources, Office of Information Technology, Bureau of the Budget, Office of the State Controller</p>	<p>Excel spreadsheet and Outlook calendar;</p>	<p>Requests made pursuant to FOAA treated more formally</p> <p>Majority are treated as regular requests for public information</p>	<p>Written policy being updated and combined with Department communications policy</p>	<p>Instant results of web search engines leads to public expectation that compiling responsive public records simple</p> <p>Broad requests and confidentiality of financial and tax data require multiple staff and time</p>	<p>Thousands of requests for public information annually</p> <p>Only formal FOAA requests tracked</p> <p>During busy periods tracking may cease due to resource constraints</p>	<p>Limit any centralized tracking to formal FOAA requests only</p>
<p><b>Department of Agriculture, Conservation &amp; Forestry</b></p>	<p>Four bureaus including: Bureau of Agriculture, Food and Rural Resources, Bureau of Parks and Lands, Bureau of Resource Information and Land Use Planning, Bureau of Forestry And multiple boards, commissions, councils and committees</p>	<p>Centralized agency hard copy log and electronic folders</p>	<p>FOAA requests coordinated through public access officer</p> <p>Requests for information responded to directly by staff</p>	<p>No written policy</p> <p>Compliant procedures followed</p>	<p>Large number of requests from different people on same subject</p> <p>Broad requests that could have thousands of pages of responsive documents</p>	<p>Uniform log with limited data tracking would require some resources to set up but matches how currently track FOAA requests</p>	

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<b>Department of Corrections</b>		Access database	Requests made pursuant to FOAA treated as such  All others considered a request for information	None	OIT sometimes called in to assist with electronic files  Difficulty estimating cost when OIT or other agencies involved	Uniform log with limited data could be tracked by system currently in place	DOC does not need a centralized tracking system
<b>Department of Defense, Veterans &amp; Emergency Management</b>	Bureau of Veterans Services, Maine Emergency Management Agency, Maine Military Authority, Maine Army and Air National Guard	Ad hoc system	Very few FOAA requests  Federal side of department processes FOIA requests	None		Tracking of FOAA requests is ad hoc due to limited volume	Federal FOIA forms and procedures already in place; any centralized FOAA system should mirror as much as possible for continuity and simplicity
<b>Department of Economic &amp; Community Development</b>	Maine Office of Tourism, Maine International Trade Center, Maine Technology Institute, Office of Community Development	Printed file	Very few FOAA requests  Routine requests for information not tracked	None		Due to limited volume, tracking of agency FOAA requests is a simple process	The simpler the better
<b>Department of Education</b>	Divisions, called "teams" include Learning Systems, School Finance & Operations, Special Services, Learning through Technology, and a state-run school system, Education in the Unorganized Territories, Child Development Services System, Maine Commission for Community Service, State Board of Education	Excel spreadsheet	Requests made pursuant to FOAA are treated as such  Some requests for information are forwarded to the public access officer if the recipient has a question or thinks it may be a FOAA though not labeled as one	Written policy updated 12/2013	Broad requests, particularly involving several years' worth of emails from numerous staff, are time consuming and impact day-to-day duties	Current system could track limited data	Calculation of "average response time" not useful as requests are so varied in scope  Current system where requesters contact us directly works well

Coordinated Access to Public Records of State Agencies 2014

<p><b>Department of Environmental Protection</b></p>	<p>Three bureaus include: Bureau of Air Quality, Bureau of Land &amp; Water Quality, Bureau of Remediation &amp; Waste Management And Regional offices across the State</p>	<p>Access database</p>	<p>FOAA request defined as any communication from public that is made pursuant to FOAA; requests records that are likely to contain privileged or confidential information and procedures are not already in place for such records; or from which it is apparent that the requester intends that a full and complete search of Department records be made</p>	<p>Written Standard Operating Procedure</p>	<p>Requests usually require coordination of records search and compilation of multiple staff</p>	<p>Uniform log with limited data could be tracked by system currently in place</p>	
<p><b>Department of Health &amp; Human Services</b></p>	<p>Major offices and divisions include: Office for Family Independence, Licensing &amp; Regulatory Services, MaineCare Services, Maine Center for Disease Control, Substance Abuse and Mental Health Services, Aging and Disability Services, Child &amp; Family Services</p>	<p>Implementing new "Footprints" customized tracking tool</p>	<p>Only requests that reference the public access statute are treated as FOAA requests</p>	<p>Written policy updated 11/2012</p>	<p>Limited staff resources and training and staff training regarding public records and records management</p>	<p>Once the "Footprints" system is fully implemented, FOAA data tracking is not expected to be significant problem</p>	<p>Duplicative use of two systems if centralized system does not facilitate the processing of requests that are received directly by the Department centrally and at its various offices</p>

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<p><b>Inland Fisheries &amp; Wildlife</b></p>	<p>Five bureaus and divisions include: Bureau of Administrative Services, Bureau of Resource Management, Bureau of Warden Service, Division of Engineering and Realty, Division of Public Information and Education</p>	<p>Excel spreadsheet</p>	<p>Requests made pursuant to FOAA are tracked as such</p> <p>Routine business with customers and unofficial information requests are responded to by appropriate staff</p>	<p>Written policy currently being updated</p>	<p>How to charge a fair fee when opposing parties on an issue ask for the same public records</p> <p>Billing requester for OIT services when FOAA only allows \$15 per hour charge and OIT bills agency more than that</p>	<p>Information required by uniform log is currently tracked in agency system</p>	
<p><b>Department of Labor</b></p>	<p>Seven agencies include: Bureau of Employment Services, Bureau of Labor Standards, Bureau of Rehabilitation Services, Bureau of Unemployment Compensation, Center for Workforce Research and Information, Maine State Workforce Investment Board, Maine Labor Relations Board</p>	<p>Excel spreadsheet</p>	<p>Relatively few FOAA requests; occasionally requests for a large number of records</p> <p>Requests made pursuant to FOAA are tracked as such</p>	<p>Written policy currently being updated</p>	<p>Many of DOL records are confidential and need significant redaction to comply with confidentiality rules</p>	<p>Uniform data could be kept on a single spreadsheet in secure agency location and sent to AG's Office for reporting</p>	<p>Any tracking system must ensure that confidential claimant or client information is protected</p>
<p><b>Department of Marine Resources</b></p>	<p>Four bureaus include: Bureau of Policy and Management, Bureau of Marine Patrol and Licensing, Bureau of Marine Science, Bureau of Public Health</p>	<p>Excel spreadsheet</p>	<p>Few FOAA requests</p> <p>Complicated requests requiring more time are treated as FOAA requests</p> <p>Requests that may take less than a day to compile are treated as basic requests for information</p>	<p>No written policy</p>	<p>Due to staff shortages response may take longer than normally would with a full staff</p>	<p>Uniform log with limited data tracking of FOAA requests could be done with current system</p> <p>Tracking all requests for information would take more time to track than to process the request</p>	

Coordinated Access to Public Records of State Agencies 2014

<p><b>Department of Professional &amp; Financial Regulation</b></p>	<p>Five agencies within DPF: Office of Professional and Occupational Regulation, Bureau of Securities, Bureau of Insurance, Bureau of Financial Institutions, Bureau of Consumer Credit Protection Six professional licensing boards affiliated with the Department: Board of Licensure in Medicine, Maine State Board of Nursing, Board of Dental Examiners, Board of Osteopathic Licensure, Maine State Board of Optometry, Board of Licensure for Professional Engineers</p>	<p>Four DPF agencies maintain a spreadsheet; The Bureau of Financial Institutions uses a paper file. Most of the affiliated boards track FOAA requests</p>	<p>Requests that cite the statute are treated by all DPF agencies and affiliated boards as a FOAA request</p> <p>Some agencies, such as the Office of Securities, treat requests for lists of licensees as a FOAA request regardless of citation to the law</p> <p>All other requests are treated as routine requests for information</p>	<p>No written policy</p> <p>Compliant procedures followed</p>	<p>Lack of specificity in some requests that need clarification or narrowing of scope</p> <p>Due to amount of confidential information in agency and affiliated board records, considerable staff time required to review and redact; a concluded investigation could contain hundreds or thousands of pages that need to be reviewed for confidentiality</p> <p>If request relates to a matter currently under investigation, may be necessary to assist requester in understanding that material is confidential</p>	<p>Even with centralized system, FOAA requests will continue to be submitted directly to specific agencies</p>	<p>Any system that adds extra steps to the processing of FOAA requests, could potentially require more staff time, delaying response time or adding costs</p>
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Coordinated Access to Public Records of State Agencies 2014

<p><b>Department of Public Safety</b></p>	<p>Nine agencies within DPS: Bureau of Capitol Police, Bureau of Consolidated Emergency Communications, Gambling Control Board, Bureau of Highway Safety, Maine Criminal Justice Academy, Maine Drug Enforcement Agency, Maine Emergency Medical Services, Office of the State Fire Marshal and Maine State Police (MSP) including Eight MSP field troops, MSP Crime Lab, MSP Records Management Services Unit, MSP Traffic Unit, MSP Special Investigations Unit, MSP Bureau of Identification, MSP Commercial Vehicle Enforcement Unit, Two MSP Major Crimes Units, MSP Information and Analysis Center</p>	<p>MSP use multiple, decentralized systems for tracking</p> <p>Of the other agencies in DPS, six use electronic and/or paper case files, one uses a spreadsheet, and one ad hoc</p>	<p>Requests that cite the statute are treated by all DPS agencies as a FOAA request</p> <p>Some agencies, such as the Gambling Control Board and Bureau of Consolidated Emergency Communications treat all requests as FOAA requests</p> <p>The Maine Criminal Justice Academy assigns full time staff to implement a procedure for the large volume of all requests</p> <p>The Bureau of Capitol Police considers requests for records that may be confidential or require redaction as FOAA requests</p> <p>All other requests are treated as routine requests for information</p>	<p>Four agencies have written policies, five do not</p>	<p>Some requesters do not make payment after records are provided</p> <p>Processing timeframes/deadlines set forth in FOAA difficult to meet due to very large volume of MSP records</p> <p>Broad scope of requests requires multiple offices of MSP to search for records</p> <p>Due to number of MSP offices, requests must be passed along to office with custody of responsive records, taking extra time</p>	<p>Depend on the level of detail required. Logging every phone call would be very time consuming and require additional staff</p> <p>Depending on the data collection parameters, this could be labor intensive and affect ability to perform responsibilities of agency</p> <p>The development, implementation and effective use of a centralized FOAA administration system within MSP would be difficult and likely require additional staff</p> <p>Four agencies responded that a uniform log with limited data tracking of FOAA requests could be done with current system</p>	<p>Important to define a FOAA request</p>
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Coordinated Access to Public Records of State Agencies 2014

<p><b>Department of Transportation</b></p>	<p>Four bureaus including: Bureau of Finance and Administration, Bureau of Transportation Systems Planning, Bureau of Project Development, Bureau of Maintenance and Operations</p>	<p>Excel spreadsheet</p>	<p>All requests for documents treated as FOAA requests</p>	<p>No written policy  Compliant procedures followed</p>		<p>Uniform log with limited data tracking of FOAA requests could be done with current system</p>	<p>Responding to each FOAA request requires an understanding of Departmental projects and activities and the role of each employee. A team of staff must navigate the agency in the search for and review of documents.</p> <p>The challenge of identifying the appropriate employee with responsive records would not be alleviated if the process were centralized outside of the Department</p>
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