Subcommittee of the
RIGHT TO KNOW ADVISORY COMMITTEE
Technology and Burdensome FOAA Requests Subcommittee

Thursday, November 19, 2026
9:00 am

Location: Cross State Office Building, Room 216 (Hybrid Meeting)
Public access also available through the Maine Legislature's livestream:
https://legislature.maine.gov/Audio/#216

1. Introductions

2. Member discussion and informal vote on recommendations of the Subcommittee

3. Adjourn

Griswold, Jessica

From: Finn, Julia <julia.finn@courts.maine.gov>
Sent: Monday, November 16, 2026 4:43 PM
To: Griswold, Jessica; Tew, Will
Subject: Fw: List of possible recommendations

Follow Up Flag: Follow up
Flag Status: Completed

This message originates from outside the Maine Legislature.

Here is the email I just sent Kevin.

JULIA FINN, ESQ. | Legislative Analyst

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From: Finn, Julia <julia.finn@courts.maine.gov>
Sent: Monday, November 16, 2026 4:38 PM
To: [Executive Branch]Martin, Kevin <kevin.martin@maine.gov>
Subject: List of possible recommendations

Hi Kevin,
I jotted down some notes and a list of possible recommendations during today's meeting. Feel free to ignore but I thought it might be helpful to see these in one place. Also, feel free to share if you think that's a good idea.

In no particular order,

1. Separate out commercial requesters; possibly adopt the federal rule on this(mentioned by Christl)?
2. When a request is clearly burdensome, advise agencies and municipal entities to respond by informing the requester that large requests over $100 must be paid up front and require confirmation that payment will be forthcoming before a detailed estimate is provided.
3. Collect data and follow up with Christl and InforMe representative as to how the InforMe pilot project was received and how well it worked. Using a form request is part of this pilot.
4. Advise agencies and municipal entities to, when possible, post FOAA requests and responses. Additionally, post regularly produced reports and documents for which multiple requests are made. These efforts can divert and hopefully reduce FOAA requests.
5. Consider statutory changes. Chris Parr's draft is a good start. Or should a larger effort be undertaken to overhaul the statute?
6. Consider ways to differentiate between simple and complex requests.

-Julie

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Griswold, Jessica

To: Tim Moore
Cc: Tew, Will
Subject: RE: Meeting 3 Materials - RTKAC Technology and Burdensome FOAA Requests Subcommittee

From: Tim Moore <tmoore@mab.org>
Sent: Tuesday, November 17, 2026 12:59 PM
To: Griswold, Jessica <Jessica.Griswold@legislature.maine.gov>
Cc: Tew, Will <Will.Tew@legislature.maine.gov>
Subject: RE: Meeting 3 Materials - RTKAC Technology and Burdensome FOAA Requests Subcommittee

This message originates from outside the Maine Legislature.

Good afternoon-

Per the request of OPLA staff, I am forwarding my recommendations for the Technology & Burdensome Requests Subcommittee in my role representing broadcast interests.

As one of our participants, Mr. Parr mentioned in his presentation yesterday, the time has come for bold ideas for improvement. Delaying action in the quest for "perfect" legislation is a disservice to both the agencies, inundated with FOAA requests—and the public, who suffer from delays in response time as a result.

Our recommendations can take the form of global improvements to improve either the statutes or the process without feeling the obligation to get mired in detail. If guided by these over-arching objectives, lawmakers can take the ball and suggest specific language as well as address aspects of these suggestions not taken into account. I don't see "getting into the weeds" as a part of our mission.

From my perspective representing broadcasters, my inherent bias is towards transparency, favoring news coverage of state government and advancing accountability. I do know, however, that these goals must be balanced against privacy concerns, particularly in a digital environment that is getting more complex every day.

Oriented towards problem-solving, the message from those responsible for responding to FOAA requests is overwhelming—and clear:

- The increase in sheer volume has exceeded their capacity to respond
- The adoption of AI has infiltrated these requests, creating exceedingly complex demands
- The inability to receive response from a human being in significant numbers is causing some agencies to believe that increasing numbers of these requests are being generated autonomously by bots or other digital sources
- There are an increasing number of FOAA requests that are commercial in nature, either data-mining, seeking PII or, in some cases, attempting to circumvent court-directed discovery in private/civil litigation.

The subcommittee is grateful for the input from Ombudsman Brenda Kielty, as well as Rebecca Lambert, Chris Howell and Chris Parr (and all others) for their perspective.

Driven by their suggestions-and those from the subcommittee members themselves, I offer the following recommendations for consideration by the subcommittee for presentation to the full RTKAC:

1. **HUMAN POINT OF CONTACT**- All FOAA requests must be sourced to a human being, whether AI is employed in the request or not. Requests without a point of contact-or failure of that contact to respond to outreach of any kind shall be disregarded.

2. **ONLINE FORM**- Maine agencies should adopt a custom online FOAA input form as the Department of Inland Fisheries & Wildlife is doing now.

3. **COMMERCIAL DESIGNATION**- On the online form, there should be a separation of Commercial requests from other requests, either personal, news media or scholastic.
   In separating Commercial, the requestor should be required to certify that they are not circumventing legal avenues for discovery in a civil proceeding or attempting to obtain personally identifiable information (PII) for commercial purposes.

4. **SIMPLE/COMPLEX**- At input, either requester or responding entity should classify requests as SIMPLE or COMPLEX. Simple requests would adhere to statutory time frame for response/resolution. Requests classified as complex would enjoy an extended time frame (TBD). Further, those classified as complex would be immediately subject to further contact for narrowing of scope and cost.

5. **COST**- Maine should dispense of the "first 2 hours at no cost" for complex and commercial requests—adopting the Federal model where the clock starts immediately. The rate charged should reflect the actual cost to staff/resources, as testimony has confirmed that this is currently not the case. As suggested by Eric Stout, commercial and/or complex requests should be subject to pay in advance. This step alone will cause an immediate reduction in requests

6. **WEB STORAGE**- Agencies should be encouraged to load as much of the common request information on their websites (as some agencies already do). Many FOAA requests may then simply be referred to a portal where the public can find the information they seek

7. **ANNUAL REPORT METRICS**- Agencies to collect data in order to evaluate the types of requests in order to customize

8. **CONSIDER ILLINOIS STATUTE**- As codified in J. Chris Parr's draft legislation to prohibit
   The following public records requests:
   a. To further private commercial gain
   b. To substitute or circumvent court-supervised discovery in litigation
   c. To harass government agencies or officials
   d. To disrupt government operations

A few too many recommendations, perhaps---a couple could be combined. In addition, it might be a good idea to have New England First Amendment Coalition or other entity produce a training video for the public on best practices for submitting a FOAA request.

Thanks
Tim

Tim Moore
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Griswold, Jessica

From: Lynda Clancy <lyndaclancy@penbaypilot.com>
Sent: Wednesday, November 18, 2026 8:39 AM
To: Griswold, Jessica
Subject: Suggestions for RTKAC Technology and Burdensome FOAA Requests Subcommittee final recommendations

This message originates from outside the Maine Legislature.

Good morning,

Per the committee's final discussion Nov. 16, a few ideas to through into the mix:

Best practices for the public to understand and more efficiently submit more succinct FOAA requests for public documents:

1) Make improvements/additions to the websites https://www.maine.gov/foaa/index.htm and https://www.maine.gov/foaa/ombudsman/index.htm with allocated funding, and in collaboration with the Public Ombudsman. These improvements would follow a structured conversation/research that would include local, county, school and state input so that the same informational website page could be applied to state and more local entities. In other words, streamline the look and feel of FOAA informational pages across all Maine governmental entities with appropriate tools. See Chris Parr letters for suggestions, as well as review the subcommittee meetings for suggested improvements by guests who appeared before the Fall 2026 Technology and Burdensome FOAA Requests Subcommittee.

a. Good example of improved page would be the federal FOIA page: https://www.foia.gov/, as well as the State of Illinois Attorney General page for FOIA: https://www.illinoisattorneygeneral.gov/open-and-honest-government/foia/

2) Improve state inter-agency communication about FOAA and accessing public records tools as positioned on each of those agency's homepage so the look and feel of the "How To" of accessing records is cohesive across all state entities (and ultimately becomes a model for local government entities)

3) Create a "How To" video; for example, Illinois, again: https://www.youtube.com/watch?v=hrbFZ_0XvoI

4) Post more public records, or access to public records, on each site's dashboard; for example Maine's Dept. of Administrative and Financial Services https://www.maine.gov/dafs/ocp/open-data/adult-use and the DEP's https://experience.arcgis.com/experience/462392f57317486eb1c8d7eb6d0fea3d?id=468a9f7ddcd54309bc1ae8ba173965c7

Build a best practices for government entities to respond to FOAA requests so that the task is not overwhelming:

1) Provide/post concrete best practices for email searches of various commonly used software systems, such as Eric's slideshow, to county and local governments.

2) Reclaim the spirit and intent of FOAA at each encounter with a FOAA request — and stating the purpose of FOAA at every FOAA page geared to public view — but establish a method of separating commercial requests and from citizen and press pursuits of records for the public interest.

3) Determine whether government entities can ask if requests are commercial in purpose.

4) Avoid the possibility of monetizing FOAA requests with online data services for the sake of monetizing. Crash records should be free, with appropriate personal identifying information removed.

5) Make more front-end date entry improvements so that the information, excluding personal identifying information, is easily excluded from requested data search.

6) Continue the conversation next year with concrete assessments of progress to-date on both fronts: technology improvements and easing burdensome requests.

I think that's enough for now!

Thank you very much for all your hard work with assisting the subcommittee this fall,

— Lynda

Lynda Clancy, Editorial Director
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