



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1683

H.P. 1118

House of Representatives, April 17, 2025

An Act to Make a Freedom of Access Act Request Free of Charge upon Petition

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CHAPMAN of Auburn.
Cosponsored by Representatives: BOYER of Poland, FAULKINGHAM of Winter Harbor,
FREDERICKS of Sanford, HENDERSON of Rumford, LIBBY of Auburn, Senators:
HAGGAN of Penobscot, HICKMAN of Kennebec, TIMBERLAKE of Androscoggin.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §408-A, sub-§13 is enacted to read:

13. Request accompanied by petition; no fees; timing of compliance. If the requestor submits a request pursuant to this section for a public record and that request is accompanied by a petition signed by at least 150 individuals registered to vote in this State making the same request, the agency or official having custody or control of the public record may not charge the requestor any of the costs incurred by the agency or official in complying with the request, including those specified in subsection 8.

An agency or official that receives a request pursuant to this subsection shall provide an update regarding the status of the request at least every 30 working days after the date the request is received, as determined pursuant to subsection 3.

SUMMARY

This bill amends the Freedom of Access Act by:

1. Prohibiting the charging of a fee by an agency or official that has custody or control of a public record that is requested if that request is accompanied by a petition signed by at least 150 individuals registered to vote in this State making the same request; and

2. Requiring that the agency or official to provide an update regarding the status of the request at least every 30 working days; current law requires the agency or official to make a good faith effort to comply with the request within the nonbinding estimate of time provided by the agency or official.

TESTIMONY IN OPPOSITION TO

L.D. 1683

AN ACT TO MAKE A FREEDOM OF ACCESS ACT REQUEST FREE OF CHARGE UPON PETITION

April 30, 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 Maine School Superintendents Association in opposition to L.D. 1683, An Act to Make a Freedom of Access Act Request Free of Charge upon Petition.

Maine schools take seriously their responsibility of being transparent, which is a crucial piece of building trust with families and local communities. Our associations believe that Maine's current FOAA statutes already offers the proper balance between transparency and ensuring smooth government operations, and we are concerned that L.D. 1683 could create situations that hinder school functions and take valuable time and resources away from student learning.

When school districts receive FOAA requests, they respond – often in just a few hours or days. However, in recent years, several districts have faced a rapid increase in FOAA requests – sometimes more than one per day – from individuals and groups from across the country.

In some cases, this has created a substantial administrative burden. One district was forced to hire an additional part-time staff member to handle the growing number of requests. In another district, a staff member's full-time job for months was simply responding to requests. This takes away valuable time and resources where they should be focused: improving teaching and learning within our classrooms.

Schools attempt to make these requests free, if possible, and many have started publicly posting requested documents online in order to promote transparency. However, in some cases, districts have faced requests that may require dozens of hours of searching and copying through old files, and in these situations, districts may need to charge a requestor for that work.

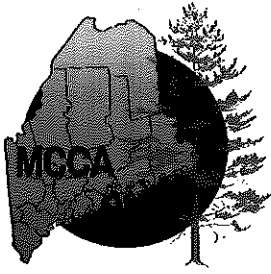
We believe Maine's current FOAA law, which allows for agencies to charge fees in these cases, appropriately considers these operational needs. However, we are concerned that L.D. 1683 could allow some individuals or groups to distort this process, removing any of these considerations and potentially allowing for requests that could cripple certain school operations.

Under current law, agencies can communicate with a requestor about their particular request – if a request may be too burdensome, agencies may help to narrow the request, creating a more efficient process that would still satisfy a requestor's goals.

The language in L.D. 1683 does not consider these factors and would instead allow a requestor to simply demand an onerous request – and the agency would be required to provide the requested documents, no matter how large the administrative burden. We have seen examples of requests that could take weeks or months of work to respond to, and this bill would provide a school or agency with no recourse to respond. They simply would have to abide.

We worry this could lead to many more situations in which administrators or administrative assistants must spend their time searching through documents, instead of focusing on operating school buildings.

In addition, we expect this would be an unfunded mandate. Districts in these situations would face two options: increase school budgets to pay for staff who could respond to FOAA requests, or make cuts to classrooms and teaching staff. This would worsen our educational system – devoting money away from our students at a time when they need more assistance than ever. We urge you to reject L.D. 1683 and instead ensure our taxpayer resources are devoted to our students – not administrative burdens.



Maine County Commissioners Association

4 Gabriel Drive, Suite 2 Augusta, ME 04330, 207-623-4697
www.maine counties.org

April 25, 2025

Sen. Carney, Chair
Rep. Kuhn, Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333

Re: *Testimony of MCCA regarding LD 1683, An Act to Make a Freedom of Access Act Request Free of Charge upon Petition*

Chair Carney, Chair Kuhn, and Members of the Joint Standing Committee on Judiciary:

On behalf of the Maine County Commissioners Association, we appreciate the opportunity to provide testimony to this Committee in opposition to LD 1683. MCCA opposes LD 1683 because it creates an unfunded mandate that would overwhelm counties with costly, time-intensive FOAA requests without any means of cost recovery.

About MCCA. Briefly, the Maine County Commissioners Association was established in 1890 to assist Maine's county government in providing vital services to Maine citizens in a responsive, efficient, and credible manner. The Association is based in Augusta, represents all 16 of Maine's counties, and is governed by a board with representation from each participating county.

What does LD 1683 do? LD 1683 allows any Freedom of Access Act (FOAA) request to be fulfilled free of charge if the requester submits a petition signed by at least 150 Maine residents. This would apply regardless of the time or resources required to fulfill the request, eliminating the ability of public agencies to recover costs for extensive or time-consuming FOAA responses.

Discussion. Maine's counties are committed to transparency and work hard to comply with Maine's Freedom of Access Act (FOAA). County staff work diligently to fulfill the many requests we receive under the Act—sometimes on a daily basis. However, LD 1683 would create a significant and unfunded burden on counties by allowing any FOAA request to be processed free of charge so long as the requester collects 150 signatures.

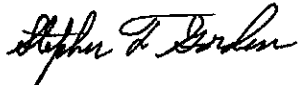
Under current law, counties can only charge for FOAA responses if the work exceeds two hours. Even then, the fees are capped at \$25 per hour, plus a modest fee for copies. The fees are designed to allow government authorities to recover a small portion of the considerable staff time required to gather, review, redact, and deliver the requested materials under FOAA. These tasks are performed by already overstretched personnel who must take time away from their core duties to comply with FOAA requests. LD 1683 would remove even the limited compensation mechanism currently in law for any requester who collects 150 signatures—a number that is not a high bar to meet, especially in the age of social media and

digital petition platforms. This means counties could be compelled to expend dozens of staff hours—sometimes over the course of days or weeks—without any ability to recover costs, so long as a petitioner meets this arbitrary signature threshold. Not only would this represent a significant cost to counties, but removal of cost responsibility from requesters could also spur an ever-increasing number of FOAA requests, exacerbating the cost and time impact of the bill.

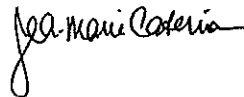
Counties operate under tight budgets and with limited staffing. Every hour spent fulfilling a FOAA request is an hour taken away from public safety, emergency management, human services, and other critical operations. LD 1683, while well-intentioned, creates an inequitable and unsustainable dynamic that further strains already limited county resources. Ultimately, this increased cost burden on counties would be passed on to local taxpayers through already high property taxes.

Conclusion. For these reasons, MCCA urges the Committee to vote **Ought Not to Pass** on LD 1683. If you have questions or need additional information, please do not hesitate to let us know.

Respectfully submitted,



Stephen Gorden
Co-Chair, Legislative Policy Committee, MCCA



Jean-Marie Caterina
Co-Chair, Legislative Policy Committee, MCCA

cc: Commissioner Andre Cushing, President, MCCA
James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1440
TTY: (207) 287-4469

Quentin Chapman

51 Eastman Lane
Auburn, ME 04210
Phone: (207) 740-5595
Quentin.Chapman@legislature.maine.gov

Testimony of Rep. Quentin Chapman introducing
**L.D. 1683, An Act to Make a Freedom of Access Act Request Free of
Charge upon Petition**
Before the Joint Standing Committee on Judiciary
April 16, 2025

Senator Carney, Representative Kuhn, and esteemed members of the Judiciary Committee, I am Quentin Chapman, proudly representing House District 88 in Auburn. I am proud to present L.D. 1683, "An Act to Make a Freedom of Access Act Request Free of Charge upon Petition."

I urge you to support a policy that would make Freedom of Information Act (FOIA) requests free when accompanied by a petition of 150 signatures and require agencies to provide status updates to requesters every 30 days.

Why This Matters to Maine's Progressive Values. Promoting Equity in Access to Information. The Freedom of Access Act (FOAA) is a cornerstone of Maine's commitment to open government, ensuring that all citizens can hold public institutions accountable. However, fees associated with FOIA requests—sometimes thousands of dollars—can create barriers, particularly for low-income individuals, community organizers, and grassroots groups. By waiving fees for requests backed by 150 signatures, we ensure that collective civic engagement is not stifled by financial hurdles. This aligns with progressive principles of equity, ensuring that access to public records is a right, not a privilege reserved for those who can afford it.

Encouraging Civic Participation. Requiring 150 signatures demonstrates significant community interest in a request, reflecting the same spirit of collective action that powers Maine's citizen initiatives and people's vetoes. This threshold is reasonable—comparable to signature requirements for local petitions (e.g., 10% of votes cast in the last gubernatorial election for municipal petitions)—and ensures that the policy benefits groups with broad public support, such as advocacy

organizations, neighborhood coalitions, or concerned citizens addressing issues like environmental justice, education funding, or public health. Supporting this policy empowers Mainers to actively participate in democracy, a value I know this committee holds dear.

Enhancing Trust Through Transparency. Requiring agencies to provide status updates every 30 days addresses a common frustration: the uncertainty and delays that can accompany FOIA requests. Maine's FOAA already mandates a response within five working days and a "reasonable" time for record production, but requesters often face long waits without clear communication. Regular updates would demonstrate accountability, build public trust, and ensure agencies are acting in good faith. For liberal lawmakers committed to responsive governance, this is an opportunity to strengthen the public's confidence in our institutions.

Addressing Potential Concerns. I understand concerns about administrative costs or potential abuse of a fee waiver. However, the 150-signature threshold acts as a natural safeguard, ensuring that only requests with demonstrated public support qualify. This mirrors existing Maine processes, such as the petition to require agency rulemaking, which mandates rulemaking proceedings for petitions with 150 signatures. Additionally, the 30-day update requirement aligns with the Secretary of State's 30-day timeline for certifying petition signatures, proving that such intervals are manageable for state agencies. To further mitigate costs, agencies could use standardized templates for updates, minimizing administrative burden while maximizing transparency.

A Step Toward a More Democratic Maine. Maine has a proud tradition of direct democracy, from citizen initiatives to town meetings. By making FOIA requests free with 150 signatures and requiring regular status updates, we can extend this legacy, ensuring that all Mainers—regardless of income—can access the information they need to advocate for their communities. This policy is a practical, equitable, and progressive step toward a more transparent and inclusive democracy.

Thank you.

Quentin Chapman
State Representative



**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

60 Community Drive | Augusta, ME 04330-9486

1-800-452-8786 (in state)

(T) 207-623-8428

(F) 207-624-0129

Testimony of the Maine Municipal Association

In Opposition To

LD 1683 – An Act to Make a Freedom of Access Act Request Free of Charge upon Petition
April 25, 2025

Senator Carney, Representative Kuhn and members of the Judiciary Committee, my name is Rebecca Lambert, and I am providing testimony in opposition to LD 1683 on behalf of the Maine Municipal Association's (MMA) elected 70-member Legislative Policy Committee (LPC). For reference, MMA is a nonpartisan, nonprofit member service organization and aims to help provide policy solutions that work for all residents in Maine and the LPC guides MMA's advocacy efforts and establishes positions on bills of municipal interest.

Local officials embrace government transparency and the public's right to access information and work hard every day to honor that right in a timely, respectful, and law-abiding manner. However, eliminating the ability to recoup costs associated with these requests would have serious implications for our communities.

FOAA requests often require significant staff time and resources and is not as simple as clicking "print." It often involves locating records, at times across multiple departments or archived systems, and reviewing them for legally protected information, redacting sensitive data, and ensuring compliance with federal and state confidentiality laws. These tasks can take hours or even days, depending on the scope and complexity of the request.

Currently, the ability to charge reasonable fees, which by statute must be consistent with the actual cost of staff time and materials, is not about turning a profit, but about sustainability. These modest fees help offset the burden on already overextended municipal budgets, and recoup the costs associated with processing the request. Additionally, charging for the actual cost of fulfilling requests encourages individuals requesting public records to be specific, clear, and mindful of the time involved and encourages dialogue between the public and municipal staff, which often leads to more targeted, efficient responses.

While most requestors are responsible and reasonable, municipalities have seen a growing number of requests that are overly broad, repetitive, or even retaliatory in nature. Without any financial accountability, the volume and frequency of such requests could likely increase, diverting limited resources away from essential public services.

Our members would urge the committee to not strip municipalities of the ability to recover the cost of fulfilling FOAA requests. What may sound like a win for open government, in reality, it jeopardizes the ability of local governments to deliver core services equitably and efficiently, which allows for transparency and fiscal responsibility.

Thank you for your time and considering the municipal perspective.



WWW.MEMUN.ORG



Maine Sheriffs' Association

"One Team, One Mission"

Sheriff Scott Nichols, President

Sheriff Troy Morton, 1st Vice-President, Sheriff Scott Kane, 2nd Vice-President – Sheriff Barry Curtis, Secretary –
Sheriff Todd Brackett, Treasurer – Sheriff Dale P. Lancaster, Immediate Past President –
Sheriff Kevin Joyce, Past President-at-Large - Mary-Anne LaMarre, Executive Director

April 25, 2025

**TESTIMONY OF
SHERIFF KEN MASON
MAINE SHERIFFS ASSOCIATION**

**LD 1683 – An Act To Make A Freedom of Access Act Request
Free Of Charge Upon Petition**

Senator Carney, Representative Kuhn, and honorable members of the Joint Standing on Judiciary. My name is Ken Mason and I'm the Sheriff of Kennebec County. I chair the Maine Sheriffs Association Legislative Policy Committee and I'm here on their behalf.

Your Maine Sheriffs have taken the unanimous position of **OPPOSE** for LD 1683 – An Act Make A Freedom of Access Act Request Free Of Charge Upon Petition.

Maine sheriffs support transparency, and work diligently to ensure our constituents have access to the information they request. Our concern is not about the intent of this bill, but rather how to meet the new requirements as proposed in this bill.

Our first concern pertains to the signature requirement. The time and process of ensuring that one hundred and fifty signatures are registered voters would be incredibly cumbersome for our staff members. There is widespread knowledge that Maine law enforcement agencies are chronically understaffed. Adding this step when processing requests for information would strain our already overworked staff members.

Sheriffs work hard to ensure that we're meeting the needs of the same constituents all of you serve around this horseshoe. Providing quick responses to requests for information is one of several best practices that sheriffs strive to adhere to. Removing fees for burdensome requests and incorporating reporting mandates may seem innocuous, however, these additional requirements would unintentionally create more work for our staff.

Maine sheriffs appreciate the intent behind LD 1656, but we urge members of this committee to vote **OUGHT NOT TO PASS**.

We appreciate the opportunity to present our concerns. I am happy to answer any questions you may have now or during the work session.



Testimony in Support of LD 1683:

"An Act to Make a Freedom of Access Act Request Free of Charge upon Petition"

Senator Carney, Representative Kuhn, and the distinguished members of the Committee on Judiciary, my name is Harris Van Pate, and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free-market think tank, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to submit testimony in support of LD 1683, "An Act to Make a Freedom of Access Act Request Free of Charge upon Petition."

The Maine Policy Institute is a nonprofit, nonpartisan organization that promotes individual liberty, economic freedom, and government transparency in the state of Maine. In line with this mission, we strongly support efforts to expand public access to government records and ensure accountability in public administration.

LD 1683 takes a crucial step toward increasing transparency. By waiving Freedom of Access Act (FOAA) fees for requests accompanied by a petition of at least 150 registered Maine voters, this bill empowers citizens and grassroots organizations to pursue critical information without the barrier of potentially costly processing fees.

Currently, the financial burden of FOAA fees can hinder legitimate public inquiries, particularly those initiated by concerned citizens, local activists, independent journalists, and civic organizations operating on limited budgets. Such barriers ultimately deter public engagement and reduce government accountability. LD 1683 directly addresses this problem by giving the people a new tool to seek transparency through collective action.

Under this bill, 150 voters from across the state must take the time to sign their names on a request for the fee waiver to be applied. This is not an arbitrary or frivolous threshold; it ensures that waived requests reflect genuine public interest. In this way, the bill strikes a thoughtful balance between access and administrative feasibility.

Remember that it only takes 150 people to propose a regulatory petition to any state agency.¹ If 150 people can do that, then they should also be able to submit a FOAA request without paying.

In addition, the bill would require agencies to provide status updates on requests every 30 working days. This provision increases transparency in the process, fosters trust, and holds agencies to a reasonable standard of communication.

¹ <https://legislature.maine.gov/statutes/5/title5sec8055.html>



Public records belong to the people. Mainers should not be forced to pay excessive fees to obtain documents they already fund through their taxes. When hundreds of Mainers collectively seek clarity from their government, it is both fiscally and ethically justifiable to remove this financial hurdle.

This measure is consistent with Maine's longstanding commitment to open government. It builds upon the intent of the Freedom of Access Act by expanding the ability of ordinary citizens to engage in oversight, elevate concerns, and ensure that government remains answerable to the people it serves.

For these reasons, we urge the committee to vote "Ought to Pass" on LD 1683. Thank you for your time and consideration.

Diane Vernesoni
Topsham
LD 1683

I URGE you to vote OUGHT TO PASS on LD1683, An Act to Make a Freedom of Access Act Request Free of Charge upon Petition. Absolutely. We should not be charged to find out what our government is doing around us. This calls for all information be free of charge if requested by 150 people or more. I think it should be free, period, but it is a good start. They have to automatically update your info every 30 days, so you don't have to keep asking. That's a good thing. We, as taxpayers, pay for all this information to be collected every day. But it seems like most of the agencies feel it is their personal information, and we aren't entitled to it. This indicates that we are indeed entitled to it. Please, I URGE you to vote OUGHT TO PASS on LD1683. It's a good start on getting the government to be more up-front with their information. Thank you.