

Testimony for the record  
submitted to the  
JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING: Monday, February 24, 2025, 9:30 AM, State House, Room 436

My name is Patrick O'Brien from Norway, Maine. Thank you Sen. Anne Beebe-Center as Senate Chair and Rep. Tavis Hasenpus, House Chair for inviting the opportunity to provide written testimony on (L.D. 419) Bill "An Act to Increase the Transparency and Accountability of the Maine Information and Analysis Center" (HP0273)

BACKGROUND: I am a retired medical center administrator with a MBA and a two-year Certificate of Advanced Study (CAS). I have provided consultation services to over 80 healthcare institutions around New England. Having introduced several first time electronic medical record (EMR) systems into practices, I realized the databases are extremely sensitive, and while Federally HIPAA protected, they are only in theory.

PROBLEM: I recently attempted to secure evidence in a police matter through the State's Freedom of Access Act (FOAA). To my chagrin, it took a lawyer and 13 weeks to get only some of what was requested. Even accessing the State's ombudsman role as defined in law was a significant undertaking. I have seen multiple occasions when opening doors in government is met with resistance, instead of compliance. State agencies are required to preserve their records and the public is allowed to request access to those records. But this one fundamental state law continues to be undermined. How much worse can Maine's FOAA get? I experienced officials who discouraged creating records in the first place and who explicitly sought ways to avoid compliance with FOAA. This trend will likely continue. FOAA backlogs will continue to grow, and requesters will be increasingly forced to sue if they want documents to see the light of day. The public will have an even more difficult time accessing the records it needs to investigate abuses of power. Investigations become a "hall of mirrors", tantamount to giving a student the power to grade their own homework. In many ways, the people collecting the data are on the same team directly or indirectly... they are essentially co-workers in one way or another (the police/attorneys/judges are often operating on the same team)... there is a code and it's career suicide to break that code.

I would like to enter my recent January 27, 2025 Lewiston Sun Journal editorial into the record regarding Oxford County's excuses for not providing transparency in its governmental agencies. This is in response to the January 27, 2025 Sun Journal article, "Oxford County struggling with a high number of public record requests."

*Transparency in government is a long honored principal. Generally, people find such secrecy repugnant. There is a basic rule of the public's right to petition for redress of grievance to public officials, i.e., for them to be held accountable. It is more than an implied commitment to the public. Law is intended to reflect the values and norms of society, but secrecy alienates people. The legitimacy of the law is based on the fact that people know it and believe in it. Openness by our trusted officials is necessary for an informed electorate to even choose the Oxford County District Attorney, Neil McLean. We need to know what our officeholders are doing.*

*As a member of the public, I am obligated to adhere to the law, as should Oxford County be obligated. Government is two parties , the governing and the governed. The calculus changes when public officials try to keep oversight behind closed doors.*

*Oxford County pleads poverty as if it is de facto immunity. This can create a potential for abuse of their authority . There is no reason for them not to be accountable to the people they serve. Rather than resorting to claims of being overburdened, given the importance of responding to the public and being accountable, it appears Oxford County is suffering more a budget management issue regarding it's priorities to the public.*

I urge the Committee to pass L.D. 419 and thank you for the opportunity to provide written testimony. I will close my written testimony with an overarching notion that democracy dies in darkness.

Patrick O'Brien