

Testimony of the Maine Municipal Association

In Support Of

LD 1788 – An Act to Strengthen the Freedom of Access Act by Categorizing Commercial Requesters
May 2, 2025

Senator Carney, Representative Kuhn and members of the Judiciary Committee, my name is Rebecca Lambert, and I am providing testimony in support of LD 1788 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.

Municipalities deeply value transparency and public access to government records and recognize FOAA as a vital tool for public accountability and civic engagement. However, there is a growing concern with the increasing volume of FOAA requests submitted by commercial entities seeking to use public data for private profit.

These commercial FOAA requests can be substantial in scope, demanding hundreds or even thousands of staff hours to compile, review, and redact records. They often come from data brokers, developers, or national companies whose sole intent is to harvest public information for resale or marketing purposes. While these companies derive real economic value from our municipal records, the burden of producing these records—staff time, legal review, copying, and digital processing—falls squarely on local taxpayers.

When considering that limited municipal staff are diverted to fulfill broad commercial requests, it is not sustainable, strains their ability to provide essential services to the public, and is not fair to municipal employees or the residents they serve. Allowing municipalities to charge fees for commercial FOAA requests would not limit access, it would simply recognize that for-profit companies should contribute to the costs they impose on our communities.

While MMA's LPC showed overall support for LD 1788, there was some concern among members that there was no requirement for the fee schedule to be reasonable, which could potentially open the door for some communities to charge significant fees in an effort to curb commercial FOAA requests altogether. Local leaders believe the fee should be reasonable to at least cover the cost for staff time and materials used to fulfill the request.

Thank you for your time and considering the municipal perspective on this issue.