



Testimony of the Maine Municipal Association

**In Opposition**

*LD 1797 – An Act to Implement the Recommendations of the Right to Know Advisory Committee  
Concerning Denials of Public Records Requests  
May 2, 2025*

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Senator Carney, Representative Kuhn and members of the Judiciary Committee, my name is Rebecca Lambert, and I am providing testimony in opposition to LD 1797 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.

While this testimony is in opposition to LD 1797, I want to be clear that Maine municipalities are fully committed to open government. Town and city officials process thousands of FOAA requests each year, some very complex, and do so with professionalism, transparency, and a deep respect for the public's right to know. However, the requirement that every denial includes a legal citation adds an unnecessary layer, increased administrative burden, and potential confusion for local officials.

Determining whether a record is exempt requires careful consideration of overlapping statutes and context. When a record is withheld it is not necessarily because it has been "denied," but because it contains sensitive information that must be redacted under a range of potential laws or best practices.

Requiring municipal staff to pinpoint and cite specific statutory language every time a record or portion thereof is withheld creates a risk of misinterpretation or legal error, which could then expose that municipality to liability and would significantly slow response times.

Moreover, FOAA already includes mechanisms for appeal and review. If a requester feels a record has been improperly withheld, they may appeal the decision. That process ensures oversight without putting the burden of legal precision on front-line municipal staff.

In short, local leaders believe that transparency can be supported without turning FOAA into a legal minefield. Requiring a municipality to provide a general explanation, or even the category of exemption such as personnel records, is reasonable, and in fact, is what most already do.

Thank you for your time and considering the municipal perspective.

