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February 5, 2025

Senator Anne Carney, Chair  
Representative Amy Kuhn, Chair  
Committee on Judiciary  
100 State House Station  
Augusta, Maine 04333

Re: *L.D. 152 An Act to Amend the Freedom of Access Act to Require a Specific Time Frame for Agencies to Comply with Requests for Public Records*

Greetings, Senator Carney, Representative Kuhn and esteemed members of the Committee on Judiciary, I am writing today to in opposition to LD 152, *An Act to Amend the Freedom of Access Act to Require a Specific Time Frame for Agencies to Comply with Requests for Public Records*.

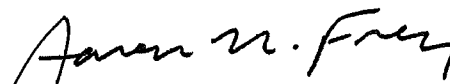
The Office of the Maine Attorney General received an average of 162 Freedom of Access ("FOAA") requests per year in the last three years. We take seriously our obligations under FOAA and we strive to be responsive, thorough, and timely. That said, the intake, processing, tracking and legal analysis of FOAA requests takes a significant amount of attorney and paralegal time. The nature of our work means that each FOAA request requires a legal analysis to determine whether the requested records are available to the public or confidential under state law. Frequently, records contain both public and confidential information, requiring careful redaction of protected information before fulfilling the request.

My office also faces a unique challenge: we are often subject to FOAA requests by would-be litigants against the State in an effort to sidestep the requirements of court-supervised discovery. This practice allows parties to acquire documentation that might otherwise not be obtainable, or at least more difficult to obtain, through the court process.

We appreciate the need to promptly respond to FOAA requests. Due to our limited resources, we often must prioritize other matters, such as complying with court-imposed deadlines in active litigation, advising agencies on time-sensitive matters, and fulfilling our many other duties and obligations. It would simply be impossible, at least without significantly more resources, to fulfill every FOAA request within 30 days, as this bill would require. My office must be allowed the flexibility to balance our obligation to timely respond to FOAA requests

against the many other pressing needs we attend to, and this bill, if enacted, would not allow us to do so. I respectfully request that you vote Ought Not to Pass.

Sincerely,



Aaron M. Frey  
Attorney General