



## Maine Education Association

Jesse Hargrove *President*  
Beth French *Vice President*  
Jaye Rich *Treasurer*  
Rebecca Cole *NEA Director*  
Rachelle Bristol *Executive Director*

February 5, 2025

### MEA TESTIMONY IN OPPOSITION TO LD152

Dear Senator Carney, Representative Kuhn, and members of the Judiciary Committee:

The MEA represents nearly 24,000 educators, including teachers and other educators in nearly every public school in the state, as well as full-time faculty and other professional and support staff in both the University of Maine and Community College systems. Thousands of retired educators continue their connection and advocacy work through the MEA- Retired program. My name is Ben Grant, and I am the General Counsel for the MEA. Among many responsibilities, I provide training for our members and staff in FOAA compliance. Also, I am myself subject to FOAA as it relates to my work as a member of the Portland City Council. Finally, in a prior part of my career, I served as the FOAA Officer for the Speaker of the House as part of my duties as Legal Counsel. This is an issue I know well.

I am here to convey the MEA's opposition to LD 152 and to urge you vote ought not to pass. Some of you may recall that the MEA testified in the last legislature about the problems caused by the lack of guardrails on the FOAA process. What we have experienced in the field of education is the weaponization of FOAA by some members of the community to harass and intimidate people working in schools. This problem is not confined to the teaching and support staff that we represent, as we stood shoulder-to-shoulder with Administrators in many districts who have been subjected to the same misuse of this process. I can't put this in strong enough terms: we are facing a crisis of morale in education – and this issue alone is a significant contributor. Educators faced with invasive FOAA requests are subjected to incredible stress in the moment, and the practice is widespread enough that many educators are continually fearful of facing this issue at some point in their careers.

We understand there are legitimate policy matters at the heart of the FOAA debate, but things have gone too far. The process is completely unregulated for those requesting "records" – and this bill will make the problem even worse by applying one arbitrary deadline for the subject to respond. It makes no concession to the size of the request, the job the public employee is supposed to be doing, the time it takes to find responsive documents, or the time it takes to review those documents to ensure they are not subject to an exception. The law already contains an adequate backstop for a requestor who is unsatisfied with a response – namely they may take an action to Superior Court. In other words, we view this bill as a solution in search of a problem.

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Finally, you should also consider the potential impact on taxpayers. Large public employers will most likely have to respond by adding staff solely dedicated to meeting this arbitrary and unfair deadline. The City of Portland, for instance, receives hundreds of FOAA requests each year – and while they diligently respond, imposing this unrealistic deadline will probably compel the City to hire one or two more full-time staff. This is unfortunate, unnecessary, and will cause either higher local taxes or the trade-off of other valuable services. I suspect larger school districts will face the exact same calculation.

In the last Legislature, we participated in several groups looking at reasonable reforms that could potentially restore balance to this out-of-control system. We are ready to do so again, and we welcome the discussion with any interested party or member of the Legislature. However, we will not support any further erosion to public employees without consideration of reforms to reign in this out-of-control process.

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