



Maine Sheriffs' Association

"One Team, One Mission"

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February 5, 2025

**TESTIMONY OF
SHERIFF PAT POLKY
MAINE SHERIFFS ASSOCIATION**

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

Senator Carney, Representative Kuhn, and distinguished members of the Joint Standing Committee of Judiciary, I am Sheriff Patrick Polky, the Sheriff of Knox County resident of Saint George. I am here today on behalf of the Maine Sheriffs' Association. I have had the privilege of serving and protecting Maine citizens from several different public safety professions and agencies for over thirty years, twenty-five of those as a full-time law enforcement officer, and I am a retired armed services veteran.

Maine sheriffs convened last month to discuss 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. Maine sheriffs unanimously voted to oppose this bill.

I'd like to begin by saying Maine sheriffs are committed to transparency. Our opposition in no way reflects a concern about sharing information. We collectively do our best to promptly respond to requests for information. Consistently, Maine is rated as one of the top states for public safety service; information sharing is one of the items measured that demonstrates our commitment to transparency while serving and protecting Maine citizens.

The problem we have with this bill is simple, we simply do not have enough staff to process such requests, let alone the budgets to do so. Remember, we also need staff to patrol our communities, provide stabilization and professional services to those housed in our correctional facilities around the state, and be available to answer those calls when we're needed to offer services to families devastated by substance use disorders, mental health challenges, and domestic violence incidents. By design, these areas, which are still experiencing significant staffing shortages, are where our attention must go first.

The workflow of these requests, especially from the perspective of a law enforcement agency, is rigorous. Agency officials must locate and review all requested records to ensure that they do not contain confidential information under Maine Law, this in of itself takes a significant amount of time. If a record does in fact contain confidential information, officials must take measures to redact the confidential information before any part of the record's request can be produced. This process, especially with requests that are broad in size and scope, are extremely time-consuming

and costly. The imposition of a 30-day deadline will force already short-staffed agencies into a position of rushing review and production, which is likely to increase the risk that confidential information will be inadvertently released. Releases of confidential information have legal ramifications for the agency and the employee, and personal ramifications for the source.

Many county budgets are already strained and outside funding sources, such as the County Jail Operations Fund, are either flat funded, reduced, or ended. Employee compensation remains the greatest cost for many counties, and many are still not fully staffed because the budgets cannot keep up with wages and benefit packages that competing markets are offering. Sheriffs take very seriously the obligation to fulfill FOIA requests, while also being diligent to not release confidential information. We all strive to make good faith efforts to respond as soon as we are able, but to impose a mandatory deadline such as this will surely cause something to give in an already strained situation.

The imposition of a 30-day mandatory deadline will result in the neglect or delay of our responsibilities, and I can assure you that members of the public do not want to see neglect or delay in our areas of responsibilities. Your Maine Sheriffs ask you to vote in opposition to this bill.

I am happy to answer any questions you may have and thank you for your time.

Respectfully submitted,

Sheriff Patrick W. Polky