



OXFORD COUNTY BOARD OF COMMISSIONERS

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LD, 1788 An Act to Strengthen the Freedom of Access Act by Categorizing Commercial Requesters

May 2, 2025

Chair Carney, Chair Kuhn, and Members of the Joint Standing Committee on Judiciary, my name is Lisa Keim, and I serve as a member of the board of commissioners for Oxford County. I am writing today to express Oxford County Commissioners' unanimous support of LD 1788.

Serving six years on the Judiciary Committee and, more vitally, trained by the inestimable Peggy Reinsch, I have deep respect and appreciation for Maine's Freedom of Access (FOAA) Laws. Maine has a legislative legacy of judiciary committee members who have championed transparency law; LD 1788, as a refinement to our current FOAA law, seeks to join those champions.

The purpose of FOAA is to ensure transparency and accountability in government by granting public access to public records and meetings of public bodies. Transparency and open decision-making are essential to maintaining citizen trust and confidence in government. LD 1788 is needed to safeguard this essential purpose.

An increasing number of FOAA requests received by Oxford County Government fall into two categories: 1. lawyers working on legal (criminal or civil) cases seeking information that is typically obtained through the discovery process and 2. for-profit businesses (mostly national) that are seeking broad information dumps for the purpose of selling information.

Neither of these request types create greater transparency in government, its decision-making or processes or provide broad public benefit. In fact, these burdensome, expansive, and costly requests delay our ability to fulfill other, more legitimate, FOAA requests, such as those made by Oxford County citizens and the press. It is because **we want to prioritize FOAA requests from citizens and the press** that we are seeking a solution to this growing drain on resources.

In the past two years, nearly a third of our FOAA requests are being made by lawyers who are working on a criminal investigation, requesting exactly the same information they would receive through discovery. Since Oxford County taxpayers pay the District Attorney staff and the County Government staff, they are essentially paying for these records to be produced twice. It is resource intensive and wasteful in both time and money. (Additionally, these types of queries are most often not helpful to litigants, since the County has to provide a

public document which means all confidential information is removed- like names and identifying details- leaving a record which does not add value to the case. Essentially a complete waste of time for all involved!)

Another increasing request type are those from commercial requestors. These range from lawyers casting a wide net to find clients, to national sales companies looking to pitch their products. With the increasing use of AI, requests from national businesses seeking to capture and categorize every bit of information possible - including information on taxpayers, employees, business contracts, and government activities- could increase exponentially. This information is sold or used for business profit, at the expense of Oxford County property tax payers.

Over the past two years, Oxford County has paid close to \$70,000 in fees for legal review of our FOAA requests. In addition, there is a significant internal staff time cost. More importantly, these types of requests thwart the true purpose of FOAA. Clogging the system, the time and resources of County Government are consumed filling these requests while other, more legitimate requests, are left waiting in queue.

The changes outlined in this bill would help Oxford County Government increase our responsiveness to legitimate FOAA requests by allowing us to delay fulfillment of requests that are duplicative to work being done in a judicial proceeding, and by allowing us to charge for the true cost of requests received from for-profit entities.

Since the 1980's Federal FOIA law has allowed for commercial entities be charged for information, and to be lower priority than regular citizens. It is past time for Maine to follow.

In closing, let me reiterate that Oxford County Commissioners highly value transparency and government accountability. We seek this change in FOAA to allow us to provide our citizens with accurate information in a timely manner for the benefit of public trust.

Thank you for your attention to our concerns.



Oxford County Commissioner, District 2

Dixfield, ME

Working Together for a Better Maine

For your further information:

The Freedom of Information Reform Act of 1986 established a fee structure under the Freedom of Information Act (FOIA) that specifically applied to commercial-use requesters. The fees and charges for commercial requesters include:

1. **Search Fees:** Costs associated with the time spent locating and retrieving records responsive to the request. This includes employee time spent searching for records, whether manual or electronic.
2. **Review Fees:** Costs for reviewing records to determine whether any portions are exempt from disclosure under FOIA. This includes time spent evaluating documents for redactions or withholdings. Commercial requesters are uniquely subject to these review charges, unlike other requester categories.
3. **Duplication Fees:** Costs for reproducing records, such as photocopying or converting records to electronic formats. This covers the materials and labor involved in providing copies of the requested records.