



Maine County Commissioners Association

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April 25, 2025

Sen. Carney, Chair
Rep. Kuhn, Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333

Re: ***Testimony of MCCA regarding LD 1683, An Act to Make a Freedom of Access Act Request Free of Charge upon Petition***

Chair Carney, Chair Kuhn, and Members of the Joint Standing Committee on Judiciary:

On behalf of the Maine County Commissioners Association, we appreciate the opportunity to provide testimony to this Committee in ***opposition*** to LD 1683. MCCA opposes LD 1683 because it creates an unfunded mandate that would overwhelm counties with costly, time-intensive FOAA requests without any means of cost recovery.

About MCCA. Briefly, the Maine County Commissioners Association was established in 1890 to assist Maine's county government in providing vital services to Maine citizens in a responsive, efficient, and credible manner. The Association is based in Augusta, represents all 16 of Maine's counties, and is governed by a board with representation from each participating county.

What does LD 1683 do? LD 1683 allows any Freedom of Access Act (FOAA) request to be fulfilled free of charge if the requester submits a petition signed by at least 150 Maine residents. This would apply regardless of the time or resources required to fulfill the request, eliminating the ability of public agencies to recover costs for extensive or time-consuming FOAA responses.

Discussion. Maine's counties are committed to transparency and work hard to comply with Maine's Freedom of Access Act (FOAA). County staff work diligently to fulfill the many requests we receive under the Act—sometimes on a daily basis. However, LD 1683 would create a significant and unfunded burden on counties by allowing any FOAA request to be processed free of charge so long as the requester collects 150 signatures.

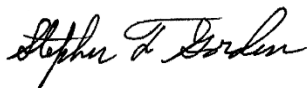
Under current law, counties can only charge for FOAA responses if the work exceeds two hours. Even then, the fees are capped at \$25 per hour, plus a modest fee for copies. The fees are designed to allow government authorities to recover a small portion of the considerable staff time required to gather, review, redact, and deliver the requested materials under FOAA. These tasks are performed by already overstretched personnel who must take time away from their core duties to comply with FOAA requests. LD 1683 would remove even the limited compensation mechanism currently in law for any requester who collects 150 signatures—a number that is not a high bar to meet, especially in the age of social media and

digital petition platforms. This means counties could be compelled to expend dozens of staff hours—sometimes over the course of days or weeks—without any ability to recover costs, so long as a petitioner meets this arbitrary signature threshold. Not only would this represent a significant cost to counties, but removal of cost responsibility from requesters could also spur an ever-increasing number of FOAA requests, exacerbating the cost and time impact of the bill.

Counties operate under tight budgets and with limited staffing. Every hour spent fulfilling a FOAA request is an hour taken away from public safety, emergency management, human services, and other critical operations. LD 1683, while well-intentioned, creates an inequitable and unsustainable dynamic that further strains already limited county resources. Ultimately, this increased cost burden on counties would be passed on to local taxpayers through already high property taxes.

Conclusion. For these reasons, MCCA urges the Committee to vote **Ought Not to Pass** on LD 1683. If you have questions or need additional information, please do not hesitate to let us know.

Respectfully submitted,



Stephen Gorden
Co-Chair, Legislative Policy Committee, MCCA



Jean-Marie Caterina
Co-Chair, Legislative Policy Committee, MCCA

cc: Commissioner Andre Cushing, President, MCCA
James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel

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