



Maine Chiefs of Police Association

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Statement in opposition to

L.D. 1645, An Act to Improve Legislative Access to Public Information

Joint Standing Committee on Judiciary

April 28, 2025

Senator Carney, Representative Kuhn, and honorable members of the Judiciary Committee. My name is Jason Moen. I am the Chief of the Auburn Police Department and serve as President of the Maine Chiefs of Police Association. I am submitting testimony on behalf of the Maine Chiefs of Police Association in opposition to LD 1645.

The Mission of the Maine Chiefs of Police Association is to secure a closer official and personal relationship among Maine Police Officials; to secure a unity of action in law enforcement matters; to enhance the standards of police personnel, police training and police professionalism generally; to devise ways and means for equality of law enforcement throughout the state of Maine; to advance the prevention and detection of crime; to prescribe to the Law Enforcement Code of Ethics; and to promote the profession of law enforcement as an integral and dedicated force in today's society sworn to the protection of life and property.

As proposed, this bill amends the Freedom of Access Act by requiring a request submitted by 3 or more Legislators to be complied with within 20 working days as long as at least 3 of the Legislators are members of the Legislature's government oversight committee and one of those 3 members is one of the chairs of that committee. Current law requires the agency or official receiving the request to make a good faith effort to comply with the request within a nonbinding estimate of time provided by the agency or official.

Our Association provided testimony to this committee earlier in the year in opposition to LD 152, which would have imposed a 30-day turnaround to complete FOAA requests. Our reasons for opposing this legislation are the same as we expressed regarding that bill.

Maine's Freedom of Access Act ("FOAA") strikes the right balance between granting our citizens the right to access public records while keeping certain governmental information confidential to

protect privacy rights and to protect the integrity of investigations. This process ensures the actions of public bodies remain transparent and helps build an essential level of trust with our constituencies.

Each of Maine's municipal law enforcement agencies, including many of our smaller community agencies, receives hundreds of FOAA requests annually. We respond to those requests as quickly as possible so that the public receives the requested information in a timely manner and to help prevent a backlog of cases within our units.

We follow a standard process to address FOAA requests. Within five working days, we acknowledge the request, provide an estimate for fulfillment, and fulfill the request during that period if possible or contact the requestor to explain why more time is needed.

The time frame to fulfill a request varies greatly depending on the type and volume of information being sought. For example, a simple identity theft report may only take a few days. Requests requiring the review and redaction of audio and video, transcription of 9-1-1 calls, and consultation with legal counsel are much longer. Finally, complex requests will take much longer. In some instances, FOAA requests may take six months or longer to complete; FOAA requests related to the tragic Lewiston shootings is one such example.

One of the greatest barriers to fulfilling FOAA requests is the lack of an adequate internal workforce. Our state's larger departments may have a dedicated employee to handle FOAA requests. However, for most of our departments, that is not the case. It takes a team within the department to work on these requests while also handling their normal duties and emergency events. It is important to remember that the normal operation of a policing agency, including many events over which we have no control, does not stop because there is a FOAA request.

Luckily, Mainers are afforded an avenue for relief if they believe a FOAA request has not been fulfilled properly. Maine's Public Access Ombudsman, a position within the Office of the Attorney General, exists for this reason and is an active force in Maine's public sector when the Freedom of Access Act is not followed.

Although we strive to fulfill FOAA requests as quickly as possible, mandating a specific time limit for FOAA requests to be completed, especially within 20 days, is not feasible. For that reason, the Maine Chiefs of Police Association respectfully requests that the Committee vote Ought Not to Pass on LD 1645.