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TESTIMONY OF SHENNA BELLOWS

**LD 217 – Ought to Pass**

**An Act to Implement the Recommendations of the Right to Know Advisory Committee Concerning Public Access to Records Relating to Public-private Partnerships**

JOINT STANDING COMMITTEE ON JUDICIARY

May 14, 2013

Senator Valentino, Representative Priest and members of the Joint Standing Committee on Judiciary, My name is Shenna Bellows, and I am Executive Director for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions through advocacy, education, and litigation. On behalf of our members, we urge you to support LD 217.

Freedom of access to information is critical to a healthy democracy. A government of the people and by the people depends on an informed citizenry, a citizenry that understands fully how decisions are made and why. It is the only way we can evaluate the actions and decisions of those elected to represent us and hold them accountable when it is time to vote. The First Amendment freedoms of expression and of the press are rendered meaningless without the right to know. Secrecy breeds abuse of power. Maine's right to know laws and the federal Freedom of Information Act are the best tools we have in ensuring government transparency.

In that context, we urge you to support LD 217. Under this bill, the Department of Transportation would be required to publish public notice when it determines that a public-private agreement meets statutory standards and wait 30 days after such notice is published to submit the bill to the legislature. This recommendation arose from the Right to Know Advisory Committee on which the ACLU was represented in 2012. The Right to Know Advisory Committee heard substantial testimony from members of the public

across the state expressing concerns that the public-private partnership provisions in law contained excess secrecy. Given that these projects are projects of \$20 million or more, members of the public thought that there should be additional time periods of public notice. Given that public notice requirements are commonly suspended at the end of legislative sessions, this seemed like a reasonable solution to a majority of members of the Right to Know Advisory Committee. Because this bill will increase government transparency, we recommend that you adopt the recommendation and vote “ought to pass” to LD 217.