



ACLU OF MAINE FOUNDATION
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August 25, 2016

VIA ELECTRONIC AND CERTIFIED MAIL

Governor Paul LePage
Office of the Governor
#1 State House Station
Augusta, ME 04333-0001

Re: Request for Inspection and Copying of Public Records Pursuant to the Maine Freedom of Access Act, 1 M.R.S.A. § 408

Dear Governor LePage:

Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. § 408 filed on behalf of the American Civil Liberties Union Foundation of Maine.

Please be advised that, under § 402(3) of the Freedom of Access Act, the term “public record” is broadly defined as including:

any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, ...and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business....

It should be noted that the term “public record” includes, but is not limited to, electronic data stored on computers and electronic communications such as e-mail. Information “received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction

of public or governmental business...” includes, but is not limited to, information stored on the home computers of government officials and employees.

On August 24, 2016, at an event in North Berwick, Maine, the Governor stated the following: “I’ve been collecting every single drug dealer who has been arrested in our state . . .and I will tell you that 90-plus percent of those pictures in my book, and it’s a three-ring binder, are black and Hispanic people from Waterbury, Connecticut, the Bronx, and Brooklyn.”

This request is limited to public records in the possession of Governor Paul LePage and his staff.

Specifically, I request an opportunity to inspect the following public record:

- 1) The Governor’s three-ring binder containing pictures of “every single drug dealer who has been arrested in our state.”

Under the Maine’s Freedom of Access Act, you have five (5) working days to respond to this request.

The requested record is not exempt from disclosure. If you deny all or any part of this request, please cite each specific applicable FOAA exemption and notify us of appeal procedures available under the law.

The requester is entitled to waiver of any fees under 1 M.R.S.A. §408(6)(B), as release of the records requested is in the public interest because they are likely to contribute significantly to public understanding of the operations or activities of government and are not primarily in the commercial interest of the requester. To the extent that fee-waiver is not granted, please notify the requester if the costs for retrieval, compiling and copying will be more than \$200.00.

For public records stored on computer, please verify that records have not been deleted by confirming the results of searches against the computer back-up system currently in use. In addition, please be advised that destruction of public records contrary to the retention rules promulgated by the Maine State Archivist's Office is a Class E crime.

Thank you for your anticipated cooperation. I look forward to hearing from you as soon as possible.

Very truly yours,

A handwritten signature in black ink, appearing to read "Zachary L. Heiden". The signature is written in a cursive style with a long horizontal flourish at the end.

Zachary L. Heiden
Legal Director