

STATE OF MAINE
SAGADAHOC COUNTY, ss.

SUPERIOR COURT
Civil Action
Docket No. CV-

MAINE TRUST FOR LOCAL NEWS, L3C
& HEARST PROPERTIES INC.,

Plaintiffs,

v.

CITY OF BATH, MAINE,

Defendant.

**COMPLAINT FOR VIOLATION OF
FREEDOM OF ACCESS ACT
(1 M.R.S. § 409)**

Plaintiffs Maine Trust for Local News L3C d/b/a The Times Record, and Hearst Properties Inc. d/b/a WMTW-TV (collectively, the “News Outlets”), file this Complaint against Defendant the City of Bath, Maine (the “City”), as follows:

Introduction

1. The News Outlets have brought this action to enforce their statutory right to inspect and copy law enforcement records that reveal whether the City missed an opportunity to prevent a triple-fatality domestic violence incident, pursuant to the Freedom of Access Act (“FOAA”), 1 M.R.S. §§ 400-414.

2. The News Outlets submitted FOAA requests to the City for records concerning the police response to domestic violence incidents in which two women sought police assistance and provided statements only days before they were killed. The assailant—the victims’ husband and father—then took his own life. The requested records would reveal what law enforcement knew, how it assessed risk, whether it followed required procedures, and what actions it took to protect victims of domestic violence in the

face of known danger. The public interest in information shedding light on law enforcement's response to domestic violence incidents ending in murder is compelling and decisively outweighs any residual privacy concerns where the victims and perpetrator are deceased and the basic facts of the incident are already widely known. Because the requested public records have been withheld entirely or disclosed only subject to extensive redactions, the News Outlets request an order compelling disclosure.

Parties

3. Plaintiff the Maine Trust for Local News, L3C is a Maine low-profit limited liability company in good standing doing business as The Times Record (the "Times Record"). The Times Record serves as a leading midcoast-Maine news source and operates a news website at: <https://www.pressherald.com/times-record/>.

4. Plaintiff Hearst Properties Inc. is a business corporation operating a leading local broadcast news service doing business at offices in Westbrook, Maine as WMTW-TV ("WMTW"). It also operates a news website at: <https://www.wmtw.com/>.

5. Defendant the City of Bath is a municipal corporation with a principal place of business in Sagadahoc County, Maine. The Bath Police Department (the "Bath Police") is a department of the City.

Jurisdiction and Venue

6. The Superior Court has jurisdiction over this action pursuant to 1 M.R.S. § 409(1) and other applicable law.

7. Venue is proper in Sagadahoc County pursuant to 14 M.R.S. § 505.

Statutory Priority of FOAA Claims

8. This FOAA case has statutory priority such that it “may be advanced on the docket and receive priority over other cases when the court determines that the interest of justice so require” pursuant to 1 M.R.S. § 409(1).

Factual Background

9. On September 24, 2024, Michael Bailey and his daughter Jennifer Bailey and his wife Lisa Bailey were involved in one or more domestic disputes, possibly involving an assault with a knife at their home at 10 Crawford Drive in Bath, Maine.¹

10. The Bath Police made two calls for service to 10 Crawford Drive that day reportedly because of domestic violence. No arrests were made, but Michael Bailey left the premises for the night.

11. A witness reported that “officers carried a couple of rifles from the home but said they soon carried them back inside the home.”² If this occurred it is not in any of the records made available to the News Outlets.

12. On October 2, 2024, Jennifer and her mother Lisa went to the Bath Police Department to fill out statements presumably about the recent violent incident involving Michael. A Bath Police Officer told them statements had already been gathered at the scene. Both women chose to write additional statements anyway. Jennifer asked to see the September 24 police report but was told that she would have to fill out a public records

¹ <https://www.wmtw.com/article/redactions-obscure-police-reports-from-calls-before-double-homicide/63434508>; <https://www.pressherald.com/2024/10/08/bath-mother-daughter-killed-in-murder-suicide-remembered-as-generous-people/>

² <https://www.pressherald.com/2025/01/23/officials-refuse-to-release-information-in-bath-double-murder/>

request.³ She never received the report. Jennifer and Lisa had reportedly lived with abuse by Michael for years.⁴ Four days later both of them had been murdered.

13. On October 6, 2024, Bath Police responded to 10 Crawford Drive for reports of a shooting. Lisa and Jennifer were pronounced deceased on scene. Michael, who had shot and killed them, was found inside the residence deceased from a self-inflicted gunshot wound. *See* Maine State Police Press Release, attached as **Exhibit A**.⁵

14. The triple-fatality domestic violence incident generated widespread news coverage.

15. To report on law enforcement interactions with the victims and assailant prior to the incident, the News Outlets requested that the Bath Police provide police reports of previous incidents at 10 Crawford Drive, including related to the reported knife incident. The Bath Police at first denied the requests in their entirety on the grounds that disclosure of prior incidents would constitute an unwarranted invasion of personal privacy and that records related to the homicide were not releasable as there was an active investigation.

16. After months of effort by the News Outlets and their lawyers, the Bath Police eventually produced heavily redacted records relating to the September 24, 2024 call for

³ <https://www.pressherald.com/2025/01/23/officials-refuse-to-release-information-in-bath-double-murder/>

⁴ <https://www.pressherald.com/2024/10/08/bath-mother-daughter-killed-in-murder-suicide-remembered-as-generous-people/>

⁵ <https://www.maine.gov/dps/msp/media-center/public-releases/msp-investigates-double-homicide-bath>.

service, the October 2, 2024 statements, and the October 6, 2024 shooting. The redactions were so extensive that sections of the records were entirely obscured. For example:

Officer Report for Incident 24-015691

Supplement

Cpl. Kaake Supplemental:

On 09/24/2024 at approx. 1340hrs I responded to 10 Crawford Dr. for a reported family argument. I am familiar with the address and knew officers had responded there earlier in the morning. Officer McIntire arrived on scene shortly before me and spoke with Lisa Bailey DOB:12/29/1965 on the sidewalk. I directed my attention to Michael Bailey DOB:08/13/1957 who met me at the front door of the house. Michael and I spoke at the front door

[REDACTED]

I asked Michael

[REDACTED]

Officer McIntire and I spoke with Lisa who was at the neighbors.

[REDACTED]

Officer McIntire confirmed with Michael that he was leaving for the night. Michael stated he had a ride coming soon to bring him to his camper.

17. The statements Jennifer and Lisa filled out on October 2 were completely redacted. For example:



BATH POLICE DEPARTMENT

250 Water St. Bath, ME 04530

VOLUNTARY STATEMENT (CONTINUATION FORM)



Incident Number: _____ Preparer's Initials: JMB Page 2 of 2

18. After receiving these records, the News Outlets reported that there was a history of domestic violence in the household and that law enforcement had previously responded.⁶

19. As summarized by WMTW, however, the redactions left the public in the dark about information needed to evaluate the sufficiency of law enforcement's handling of this history of domestic violence prior to the murders: "After months of effort, 8 Investigates obtained copies of the police reports from those calls, but the pages are so heavily redacted that it's impossible to know what happened or how the police handled it."⁷

Bath Police Deny Access to Public Records

20. On February 23, 2026, The Times Record, through editor Nick McCrea, made a new FOAA request to the Bath Police for records from January 1, 2021 to December 31, 2024, including any emergency or nonemergency calls for service from Sept. 24, 2024, and Oct. 6, 2024 as follows:

1. All records related to calls for service at 10 Crawford Drive, Bath, Maine (the "Location"), including any dispatch logs, reports, or records indicating the nature of a call for service, the circumstances and disposition of same, police reports, responding officer(s), and dates/times;
2. All citations, summonses, complaints, orders, warnings, or similar documents evidencing formal or informal law enforcement action that have been issued to any person at the Location;
3. All witness statements or interviews given by or taken from any person who resides at the Location;
4. All dash cam or body cam video recordings during any call for service at the Location.

⁶ <https://www.wmtw.com/article/redactions-obscure-police-reports-from-calls-before-double-homicide/63434508>; <https://www.pressherald.com/2025/01/23/officials-refuse-to-release-information-in-bath-double-murder/>

⁷ <https://www.wmtw.com/article/redactions-obscure-police-reports-from-calls-before-double-homicide/63434508>;

See attached **Exhibit B**.

21. On February 24, 2026, WMTW, through chief investigative reporter Norah Hogan, issued a similar FOAA request. See attached **Exhibit C**.

22. In their requests, the News Outlets asked the Bath Police to revisit their earlier production of heavily redacted versions of the records. The law enforcement investigation had come to an end and disclosure of the records, the News Outlets explained, would not constitute an unwarranted invasion of personal privacy.

23. In support of their FOAA requests, the News Outlets asserted that any privacy interests were nonexistent or, at most, minimal because both the victims and the alleged perpetrator are deceased. They further noted that the identities of the individuals involved, as well as the underlying circumstances, are already widely known.

24. They also identified a compelling public interest in law enforcement accountability, where Bath Police had responded to domestic violence complaints in the days before the double murder/suicide, yet took little or no meaningful action before the fatalities occurred. At minimum, law enforcement's prior contact with the household raises questions about the adequacy of its response, their assessment of risk, and the circumstances leading up to the killings. Disclosure would allow the public to understand how law enforcement handled prior calls, evaluate whether policies and procedures were followed, and assess whether warnings were missed or lessons could be learned to improve responses to domestic violence incidents.

25. The News Outlets wrote, "In cases of extraordinary public violence, transparency promotes accountability, informs community understanding of risk factors,

and strengthens public confidence in law enforcement by ensuring that government actions are subject to meaningful public scrutiny.” *See* Ex. B.

26. On March 16, 2026, the Bath Police responded to News Outlets’ requests in conclusory fashion and without a reasoned response, citing 16 M.R.S. §§ 804 (3), (7), and (8) and 25 M.R.S. § 2929. *See* attached **Exhibit D** (response to the Times Record) and **Exhibit E** (response to WMTW).⁸

27. Once again, the statements Jennifer and her mother Lisa voluntarily submitted to the Bath Police were all redacted. The Bath Police also provided no dash or body camera footage or recordings or even any information about whether such records exist.

28. This timely appeal followed. *See* 1 M.R.S. § 409(1).

COUNT I: VIOLATION OF FOAA

29. The News Outlets repeat and incorporate by reference the above paragraphs of this Complaint.

30. The FOAA provides that it is the “intent of the Legislature” that records “be open to public inspection” 1 M.R.S. § 401. To that end, “a person has the right to inspect and copy any public record . . . within a reasonable period of time after making a request to inspect or copy the public record” 1 M.R.S. § 408-A, unless a statutory exemption applies. To promote the purposes of FOAA, the statute directs that its open records requirement must be “liberally construed and applied.” 1 M.R.S. § 401.

⁸ The Bath Police produced officer reports for unrelated incidents between 2014 and 2024, including two 911 hang ups, two animal problems, a traffic offense, and a possible fraud. These reports are not at issue here and have been omitted from Exhibits D and E.

31. Under 1 M.R.S. § 402(3), “public records” include “any written, printed, or electronic data in the possession or custody of an agency or public official and relating to the transaction of public or governmental business.” The records requested by the News Outlets fall within this definition.

32. The records requested by the News Outlets are public records as defined by 1 M.R.S. § 402(3) and are not subject to any exemption.

33. In claiming that the requested records are confidential, the Bath Police has cited to 16 M.R.S. § 804(3), which provides that “a record that is or contains intelligence and investigative record information is confidential and may not be disseminated . . . if there is a reasonable possibility that public release or inspection of the record would . . . [c]onstitute an unwarranted invasion of personal privacy[.]”

34. To determine whether disclosure of certain information constitutes an unwarranted invasion of personal privacy, Maine applies a balancing test, weighing personal privacy interests and the public interest supporting disclosure of the records. *See Blethen Maine Newspapers, Inc. v. State*, 2005 ME 56, ¶ 14, 871 A.2d 523. The balancing of interests here favors disclosure.

35. Under Maine common law, as under 16 M.R.S. § 804(3), rights to privacy are “purely personal” meaning that they are extinguished upon death and cannot be asserted by a decedent’s relatives or other third-parties. *See Nelson v. Maine Times*, 373 A.2d 1221, 1225 (Me. 1977) (mother’s personal privacy was not invaded by unauthorized publication of her infant son’s photograph); *Knight v. Penobscot Bay Med. Ctr.*, 420 A.2d 915, 918 (Me. 1980) (husband’s personal privacy was not invaded by the unauthorized presence of nurse’s spouse during delivery of wife’s baby; “[s]ince the interest in solitude or seclusion

is protected as a personal interest, [husband] could not properly claim an invasion of his separate personal interest merely because he was [birth mother's] husband"). Because the victims and the perpetrator are deceased privacy interests here are either non-existent or minimal.

36. The countervailing public interest in law enforcement accountability is compelling where the records would shed light on whether the Bath Police missed an opportunity to intervene and potentially prevent three deaths resulting from domestic violence. In similar circumstances law enforcement records have been found to be public under FOAA. *See, e.g., Mainstay Media, LLC v. Waldo County*, No. AUGSC-CV-2025-152, 2025 WL 4033381 (Me.Super. Dec. 30, 2025). *See* attached **Exhibit F**.

37. The Bath Police also cited 16 M.R.S. §§ 804(7) and (8) in withholding records pertaining to the call for service on October 6, 2024. By statute, calls for service are public by virtue of a specific exclusion of such records from the Criminal History Record Information Act, which makes certain criminal history record information nonpublic. *See* 16 M.R.S. § 708(2). Disclosing records related to the incident would not create a reasonable possibility of revealing investigative techniques not known by the general public or danger to the life of any individual where the people involved are deceased.

38. The Bath Police have no just and proper cause for failing to make the requested records available to the News Outlets and should be ordered to disclose all of them or, if appropriate, to make disclosure only with narrow targeted redactions approved by this Court after *in camera* review of the records. *See* 1 M.R.S. § 409(1).

REQUESTED RELIEF

WHEREFORE, the News Outlets respectfully request that this Court:

- A. Declare that the records sought by the News Outlets are public records;
- B. Declare that the Bath Police violated Maine's FOAA;
- C. Conduct an *in camera* review of any records that the Bath Police has withheld in whole in part and of all records it has redacted;
- D. Enter an "order for disclosure" pursuant to 1 M.R.S. § 409(1) requiring that the Bath Police make available for inspection and copying all records requested by the News Outlets without redactions or with limited redactions, if authorized by statute;
- E. Award the News Outlets the costs of this proceeding, including reasonable attorneys' fees, as permitted by FOAA, 1 M.R.S. § 409(4); and
- F. Grant the News Outlets such other and further relief as this Court may deem just and proper.

DATED: April 10, 2026

Respectfully submitted,

/s/ Sigmund D. Schutz

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