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GOVERNOR

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AUGUSTA, MAINE
04333-0001

June 23, 2021

The 130th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 130th Legislature:

By the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 194, *An Act to Prohibit Contributions, Expenditures, and Participation by Foreign Government-owned Entities to Influence Referenda*.

L.D. 194 would prohibit businesses and other entities in which a foreign government has an ownership interest of at least 10% from making contributions or expenditures to influence a citizen referendum, or from otherwise participating in the referendum process. I object to this bill as a matter of both policy and law.

As an initial matter, L.D. 194's definition of those entities subject to its prohibitions is broad, and would reach dozens of businesses that we regard as very much part of the fabric of the Maine community. Entities with direct foreign investment employ thousands of Mainers. They include Stratton Lumber, Woodland Pulp and Paper, Backyard Farms, McCain Foods, and Sprague Energy, to name just a few. Legislation that could bar these entities from any form of participation in a referendum is offensive to the democratic process, which depends on a free and unfettered exchange of ideas, information, and opinion. Such limitations on what the Supreme Court has called "core political speech" are also highly suspect as a constitutional matter. *See, e.g., Meyer v. Grant*, 486 U.S. 415 (1988); *First National Bank of Boston v. Bellotti*, 435 U.S. 765 (1978).

Even more troubling is this bill's potential impact on Maine voters. Government is rarely justified in restricting the kind of information to which the citizenry should have access in the context of an election, and particularly a ballot initiative. L.D. 194 would deprive voters of information and opinion from those entities covered by its prohibitions during the referendum process. The theory is that what these entities have to say is categorically inappropriate for consideration; that it is somehow tainted, should be declared "interference," and that voters must be shielded from it. That is a theory I reject. The Supreme Court has been sharply critical of legislation that "restrict(s) what the people may hear," calling it "highly paternalistic." *Bellotti*,



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435 U.S. at 792 n. 31. If L.D. 194 were to become law, I question whether it could survive constitutional challenge. But more fundamentally, I trust Maine voters to sort through competing views as they consider how to cast their vote in any referendum, and I see no need for state government to protect them from information coming from any particular source, in accordance with our already robust disclosure requirements.

For these reasons, I return L.D. 194 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Sincerely,



Janet T. Mills
Governor



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