



Janet T. Mills

GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
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 conferred by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 417, *An Act To Protect Maine's Drivers from Pretextual Traffic Stops*.

This legislation, with its incorrect definition of “pretextual stop,” assumes that law enforcement officers today may pull a vehicle over for no reason and look for evidence of a crime to be used against the driver or occupant.

To the contrary, the law requires an officer to have an objectively reasonable, articulable suspicion that criminal conduct, or a civil violation, or a threat to public safety has occurred, is occurring, or is about to occur to justify the stop of a vehicle. *Whren v. United States*, 517 U.S. 806, 819 (1996) (unanimous Supreme Court); *State v. Sasso*, 2016 ME 95, ¶ 14, 143 A.3d 124, 129. The standard is an objective one and is used in courts across the state every day.

This bill would prohibit a stop if the officer had anything in mind other than the immediate reason for the stop. This prohibition is overbroad, unrealistic and dangerous, putting at risk the safety of innocent victims of crime whose circumstances are often uncovered through legitimate traffic stops.

This bill goes further than prohibiting a traffic stop when the officer is also looking for evidence of other crimes. It also prohibits a law enforcement officer in *any* traffic stop from asking questions or engaging in any conduct that is not related to the original purpose for the stop. This provision too is dangerous, unrealistic and unworkable.

In real life, it is not uncommon for traffic stops to result in the discovery of human trafficking, domestic violence, sexual assault, operating under the influence, robbery and other serious crimes, sometimes on the basis of observation and simple questions. The uncovering of crime is a continuum which does not stop at the approach to a vehicle.



PRINTED ON RECYCLED PAPER

The question, "Is that blood on your shirt?," for instance, is a legitimate one, which may lead to evidence of murder, assault or other violent crime, whether or not the officer has an articulable suspicion of criminal activity at the time of the question. This bill, however, would not only prohibit the question but would make any evidence acquired after the question "inadmissible in any criminal proceeding." To restrict what a police officer can do or say following a traffic stop thwarts legitimate, constitutional public safety practices and the rights of the general public.

Deterring bias based stops, which appears to be the intent of the bill, is a laudable goal. Such stops are offensive, potentially illegal, and always against public policy. That is why Maine's law enforcement policies, Academy and field training all require an officer to base a stop on the conduct of the driver and not on the basis of race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry.

While there may be more work to do in addressing such stops, this bill is an overcorrection that will cause more harm than good.

For these reasons I return L.D. 417 unsigned and vetoed and urge the Legislature to sustain this veto.

Sincerely,



Janet T. Mills
Governor



PRINTED ON RECYCLED PAPER