28 April 2017

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 21 “An Act to Amend the Law Regarding the Execution of Temporary Powers of Attorney.”

This bill amends a law passed by the 127th Legislature that provided a program by which parents could execute a temporary power of attorney to someone who would serve as a guardian for the parents’ children in times of short-term emergency. The intention of the law, as I understand it, was rather than have their children forced into foster care, parents should have the ability to designate those who would agree to care for the children in the event of emergency.

However, this law provides what I consider to be very crucial protections for the children who are now subject to their parents’ temporary power of attorney. For instance, the law generally provides that those who may be called to care for children must first be subject to a background check. Perhaps more importantly, members of the person’s household must be subject to background checks.

This bill seeks to weaken the requirement that background checks be conducted. Specifically, it exempts hospitals from conducting background checks before placing children with those who are authorized to exercise a temporary power of attorney. Because this bill would put children at risk, I cannot support it.

For this reason, I return LD 21 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

[Signature]
Paul R. LePage
Governor