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

Dear Honorable Members of the 128th Legislature:


The Criminal Law Advisory Commission is comprised of members who are not elected, but are appointed by the Attorney General pursuant to statute. The members of CLAC have crafted a bill they believe is important. However, it is up to us who are elected by the people of the State of Maine to thoroughly examine any bill that would affect the rights of citizens.

During my time in office, I have noticed that CLAC has assumed what can be thought of as a lawmaking role. This is a consequence of the legislature leaning too heavily on the advice and counsel of unelected mandarins who are totally unaccountable to the people. Such reliance by the legislature sours our democratic process. CLAC’s statutory duties include submitting to the legislature “such changes in the criminal laws...as the commission may determine appropriate.” The privilege of submitting legislation that affects the liberty of the people of Maine should be reserved for those elected officials who are designated in the Constitution.

In a memorandum accompanying LD 374, CLAC wrote in relation to how difficult it is to explain what the bill is trying to accomplish: “It is both difficult and time-consuming to attempt to physically compare and contrast the current provisions contained in Part 3 with the proposed recodification and revision in LD 374.” I think this statement is true. However, I am unconvinced their difficult task was accomplished to the degree that Maine citizens expect. When unelected groups propose legislation, that legislation should receive more scrutiny than bills that arise from elected officials. Because I do not believe that LD 374 received this much-needed scrutiny, I cannot support it.

For this reason, I return LD 374 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

Paul R. LePage
Governor