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 152, “An Act to Strengthen Intragovernment Communication.”

This bill is a politically motivated power grab, and I cannot support it. Among its many problems, this bill disregards due process for Executive Branch officials and seeks to empower the legislature and its never-ending parade of working groups, task forces and commissions to commandeering the time and resources of the Executive Branch.

This bill is a reaction to my common-sense request that committees of the legislature submit questions to the Executive Branch in writing so written answers may be provided prior to a public hearing. This ensures the efforts of Executive Branch employees can be prioritized against the many demands on their time in their daily service to the Maine people. Submitting questions and answers in writing creates a paper trail, allowing members of the Executive Branch to defend themselves from false and politically motivated statements that are often made by the opposing party of the legislature. When information is presented in black and white, it allows examination by the public and a common set of facts on which to base discussion.

Too often, legislators use public hearings for the opportunity to grandstand and berate members of the Executive Branch. While I agree the Executive has a duty to provide information necessary to conduct government that serves the Maine people, we are not obligated to serve as window dressing for politically motivated legislators trying to get their names in the newspapers. Good governance demands better.

Further, this bill is unnecessary and provides the legislature a remedy that already exists in law. 3 M.R.S.A. § 165 provides legislative committees with broad authority that addresses the supposed intent of this bill. Sub-section 4 provides that State Departments shall furnish to a Committee documents, material or information requested by a Committee. Sub-section 7 provides Committees the power to issue subpoenas and compel the attendance and testimony of witnesses. Given that these broad powers already exist, this bill is not needed.

Even more troubling, this bill proposes compelled attendance and testimony before legislative committees and other bodies without providing witnesses the procedural protections customarily provided when government is granted such power. This is an attempt to provide the Legislature
raw power over the Executive Branch without regard for those affected by the exercise of this power.

In order to trigger this compelled attendance and testimony, a legislative committee or other body would simply have to send the prospective witness notice of date and time of the inquiry. This bill does not even require the prospective witness to be notified of the subject matter of the inquiry or that the individual be relevant to the scope or work of the committee or other group.

Maine law already includes a comprehensive law that details the process for witnesses to be compelled to testify before a legislative investigating committee, which can be found in Title 3, Chapter 21. It provides the legislature with the ability to subpoena witnesses and, appropriately, includes numerous protections for witnesses compelled to appear before Legislative Committees.

The existing law is comprehensive, and that was intentional. Such procedures and rules are necessary to avoid forcing individuals to appear and testify without sufficient protection of their rights, as well as to avoid potential criminal accusations without any recourse for the accused. LD 152 provides none of these protections. It is merely a legal shortcut that ignores the rights of witnesses.

For these reasons, I return LD 152 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

[Signature]

Paul R. LePage
Governor