13 July 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 1573 “An Act to Encourage Development in the Logging Industry by Requiring State and Local Government Agencies to Give Preference to Lumber and Solid Wood Products Harvested in the State.”

It is with regret that I must veto this bill because I believe in the objectives it seeks to advance. Whenever possible, the state should take affirmative steps to support local businesses, including a close examination of the economic impact in Maine for contracts being awarded and, all things being competitive, awarding contracts to Maine businesses and contractors when it is possible to do so.

I strongly support Maine’s forest products economy, and I believe landowners – especially those who receive a tax benefit on the backs of other taxpayers – should use Maine contractors whenever possible. Further, I have been troubled by reports of some specific labor and trade practices, particularly at the northwestern border, and I believe we must support Mainers whose ability to earn a living is impacted by unfair international restrictions.

Unfortunately, this bill contains a provision that appears to violate the Maine Constitution. Article IX, Section 8, Subsection 2 prescribes in specific detail the minimum penalty that shall be imposed upon changing the use of land from a program such as Tree Growth. This bill would create an instance in which some landowners could withdraw their land from the Tree Growth program “without penalty.” While this might be a good idea, it is not permissible under the Maine Constitution, and I am not willing to allow a policy that is repugnant to the Constitution to become law. I would, however, support an amendment to the Constitution that would reduce or remove penalties, such as allowing landowners to move their land from the Tree Growth Program to the Open Space program without penalty.
When I was sworn in as Governor, I took an oath as to uphold the Constitution and the laws of this state and country. That oath precludes me from supporting this bill, despite its admirable policy objective. I would be happy to introduce similar legislation that does not violate Maine’s Constitution as a Governor’s bill in January, 2018.

For this reason, I return LD 1573 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

Paul R. LePage
Governor