



Testimony in Support of LD 273:

“An Act to Preserve Legislative Authority over Investigating Committees”

Senator Baldacci, Representative Salisbury, and the distinguished members of the Committee on State and Local Government, my name is Harris Van Pate and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free market think tank, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. LD 273 is a necessary measure to reinforce the constitutional separation of powers in Maine and to ensure that the legislative branch's authority remains intact in conducting investigations and oversight.

The Maine Legislature, as the duly elected representative body of the people, must retain complete control over its investigative committees without undue interference from other branches of government. This bill clarifies and codifies that authority, strengthening the ability of lawmakers to conduct transparent and accountable inquiries into matters of public interest.

Upholding the Principles of Representative Government

At its core, LD 273 ensures that the legislative branch maintains its essential function as a check on the executive branch and state agencies. The Maine Constitution vests legislative power in the Senate and House of Representatives, which includes the ability to conduct inquiries, issue subpoenas, and gather testimony in pursuit of the public interest. Any efforts to erode this authority undermine the foundational principles of representative government and transparency. Even in the federal legislature, the power to oversee investigations is certain.¹

Historical precedent and constitutional interpretation affirm that state legislatures must be able to investigate issues affecting their constituents, whether those relate to government inefficiencies, misuse of public funds, or policy failures, and these powers of legislative oversight are widespread throughout the United States.² LD 273 provides a necessary safeguard to ensure that legislative committees can operate effectively and without obstruction.

Preventing Overreach and Preserving Legislative Independence

¹ <https://www.senate.gov/about/powers-procedures/investigations.htm>

² <https://levin-center.org/state-oversight-academy/oversight-in-the-50-states/>



In recent years, there has been a troubling trend of executive overreach and bureaucratic stonewalling in response to legislative investigations.^{3 4} Ensuring the Legislature has clear statutory backing for its investigative committees is essential to preventing such encroachments on legislative independence. If legislative authority is diminished, so is the public’s ability to hold their government accountable.

LD 273 does not create new powers for the Legislature but rather affirms its existing constitutional role. This is especially important in cases where state agencies or officials may be reluctant to cooperate with oversight efforts. Without a strong and independent investigatory function, the ability of lawmakers to fulfill their duty to Maine citizens is significantly weakened.

Aligning Maine with Best Practices in Government Oversight

Many states have similar laws that explicitly affirm legislative authority over investigating committees, recognizing the importance of robust oversight in maintaining good governance.⁵ Maine should follow suit by passing LD 273 to ensure that our legislative committees have the necessary tools to conduct their work unimpeded.

This bill aligns with the responsible and limited government principles for which Maine Policy Institute has long advocated. Accountability and transparency are hallmarks of a government that serves the people rather than politicians. A strong legislative investigatory function is crucial to ensuring that taxpayer dollars are spent efficiently, and that state government remains responsive to the people of Maine.

Conclusion

For these reasons, the Maine Policy Institute strongly supports LD 273. We urge this committee to vote “Ought to Pass” and reaffirm the Legislature’s role as the primary investigatory body within state government. This is a critical step toward ensuring transparency, accountability, and the preservation of constitutional principles in Maine.

Thank you for your time and consideration.

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<https://mainemorningstar.com/2025/02/12/members-of-maine-legislative-watchdog-push-for-access-to-confidential-information/>

⁴ www.wabi.tv/2025/02/06/maine-senators-express-concern-about-excessive-overreach/

⁵ <https://www.ncsl.org/about-state-legislatures/separation-of-powers-legislative-oversight>