



Testimony in Support of LD 1008:

“An Act to Require the Attorney General to Seek Legislative Approval Before Filing Any Civil Suit on Behalf of the State and to Authorize Citizen-initiated Petitions to Move for Dismissal”

Senator Carney, Representative Kuhn, and the distinguished members of the Committee on Judiciary, 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. Thank you for the opportunity to testify in support of LD 1008.

LD 1008 is a prudent and necessary measure to ensure that Maine’s executive branch, particularly the Office of the Attorney General, remains accountable to the people and their elected representatives when pursuing legal actions that could have wide-ranging political, economic, and constitutional implications for the state.

This bill recognizes that when the Attorney General acts in the name of “the State,” those actions carry profound consequences—often implicating public policy, the economy, or constitutional principles. It is only fitting that such actions receive legislative authorization, just as the Legislature must approve matters of taxation, appropriations, and regulation. The current unilateral authority of the Attorney General to file civil lawsuits on behalf of the state lacks sufficient democratic oversight.

LD 1008 provides two critical reforms:

- **Legislative Oversight of Civil Litigation Initiated by the Attorney General:** This bill restores a key check on executive power by requiring legislative approval before the Attorney General may file suit in state or federal court on behalf of the State. In recent years, attorneys general in states nationwide—both Republican and Democrat—have increasingly used litigation to advance partisan agendas or align with national political movements.¹ This practice circumvents the legislative process and undermines representative government.
- **Citizen-Initiated Petitions for Case Review:** LD 1008 also empowers the people of Maine by providing a mechanism for registered voters to initiate a review of any civil case filed by the Attorney General. This democratizes the process and safeguards against politically motivated or unpopular litigation. Temporarily halting proceedings while such a petition is reviewed ensures that citizens have meaningful input before state resources are further expended.

¹ “The importance of state attorneys general in shaping federal policy is therefore a fairly recent and important phenomenon.” <https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1728&context=jleg>



In Maine, where the Attorney General is entirely unaccountable to the people due to his election via secret ballot, the public must have some oversight of ongoing state lawsuits. Maine's attorney general has recently issued a highly politicized lawsuit against the Trump administration over federal funding distribution. Considering that one of Maine's congressional districts voted for the president, it is logical that the general public should have some sort of input into the decision-making process as to whether to proceed with this lawsuit.²

These reforms are consistent with Maine Policy Institute's longstanding commitment to transparency, limited government, and democratic accountability. No single official, regardless of party, should wield unchecked legal authority to shape public policy through the courts. The state should not advance lawsuits without securing a mandate from the legislative branch, closest to the people and best suited to assess public interest.

Finally, this bill does not inhibit the Attorney General from defending the laws or interests of the state as currently permitted. Instead, it introduces a thoughtful framework of accountability when the office seeks to initiate high-stakes litigation that purports to speak on behalf of every Mainer.

For these reasons, Maine Policy Institute supports LD 1008 and urges this committee to advance the bill.

Thank you for your time and consideration.

² <https://www.wabi.tv/2025/01/29/maine-attorney-general-joins-lawsuit-against-presidents-federal-funding-freeze/>