



Testimony in Opposition to LD 2034:

“An Act to Support Funding for Educational Programs and Opportunities”

Senator Rafferty, Representative Murphy and the distinguished members of the Committee On Education and Cultural Affairs, 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 opposition to LD 2034: “An Act to Support Funding for Educational Programs and Opportunities.” While this bill is framed as a modest administrative update, it raises serious concerns regarding accountability, executive overreach, and the appropriate use of public authority.

Authorizes inappropriate private fundraising by a public official

LD 2034 authorizes the Commissioner of Education to “raise and expend private funds” to support educational programs. MPI is skeptical of granting public officials fundraising authority outside the normal legislative appropriations process. This blurs the line between public governance and private influence and creates clear risks of donor-driven priorities, preferential treatment, and diminished transparency.

Education funding decisions should be made openly by the Legislature, not indirectly shaped by private donors operating through the Commissioner’s office.

Expands discretionary executive power without standards or safeguards

The bill grants the Commissioner broad discretion to determine which “specific educational programs and opportunities” receive privately raised funds, with no statutory criteria, reporting requirements, or conflict-of-interest protections. MPI consistently opposes expansions of executive authority that lack clear guardrails and legislative oversight.

This bill appears to fly in the face of the nondelegation doctrine. In the 1977 Maine Supreme Judicial Court case *State v. Boynton*, the Court ruled that “the goal [of the nondelegation doctrine] has been to make certain that delegated powers were guided by meaningful standards.” By granting the Commissioner of Education broad authority to raise and expend private funds for undefined “educational programs and opportunities,” without articulating any limiting principles, eligibility criteria, or oversight mechanisms, this bill delegates substantial policymaking discretion without the meaningful standards required by Maine law.



Absent explicit constraints, this authority risks undermining the Legislature's constitutional role in setting education policy and priorities.

Authorizes taxpayer-funded agency promotion and branding

LD 2034 further authorizes the Department of Education to spend appropriated funds on promotional materials, including branded merchandise and outreach efforts. MPI has long opposed the use of taxpayer dollars for agency self-promotion, branding, or public relations activities unrelated to core service delivery. Public funds should be used to educate students—not to market government programs or agencies to the public.

Establishes a concerning precedent for agency mission creep

Taken together, these provisions normalize the idea that state agencies may both solicit private funds and promote themselves using public dollars. MPI would caution that this bill sets a precedent likely to be replicated across departments, eroding legislative control over spending and expanding nonessential government activity.

Conclusion

MPI opposes LD 2034 because it expands executive discretion, weakens fiscal and democratic accountability, authorizes taxpayer-funded promotion, and invites inappropriate private influence into public education governance. If the Legislature believes additional education funding or programmatic changes are warranted, those decisions should be made transparently through the appropriations process—not delegated to administrative officials.

For these reasons, we respectfully urge the Committee to vote “ought not to pass” on LD 2034. Thank you for your time and consideration.