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***Testimony in Support of L.D. 2192, a Resolve, to Ensure That the Independent Commission to Investigate the Facts of the Tragedy in Lewiston Has Necessary Authority to Discharge Its Fact-finding Mission***

January 29, 2024

Senator Carney, Representative Moonen, and honorable members of the Joint Standing Committee on Judiciary, my name is Aaron Frey, and I have the honor of serving as Maine's Attorney General. I am testifying in support of L.D. 2192.

Through an Executive Order issued on November 9, 2023, Governor Mills established the Independent Commission to Investigate the Facts of the Tragedy in Lewiston. The Commission is charged with determining the facts surrounding the tragedy that occurred in Lewiston on October 25, 2023 when Robert Card shot and killed 18 people and wounded 13 others. The Governor and I have urged the Commission to follow the facts wherever they may lead, ask questions of any person who may have relevant information, and bring to light the full circumstances of the tragedy, including whether more could have been done to prevent it from occurring.

It is my sincere hope that anyone contacted by the Commission and its staff will fully and without hesitation cooperate by answering all questions and providing all requested documents. Some individuals or entities may, for whatever reason, decline to cooperate. If that occurs, it is critical to the Commission's mission that they have the tools necessary to command cooperation. L.D. 2192 will give the Commission those tools. By a majority vote, the Commission may issue subpoenas to compel the testimony of witnesses and the production of documents. If an individual refuses to comply with a subpoena, the Commission, again by a majority vote, may ask the Superior Court to compel compliance. Either my office or private counsel authorized by me would represent the Commission in those legal proceedings.

Additionally, L.D. 2192 addresses the issue that may arise should the Commission seek documents deemed confidential under state law. This bill makes clear that the Commission may nevertheless obtain those documents solely for the purpose of fulfilling its mission. The records will be protected from disclosure beyond the Commission by the requirement it review the records in executive session. This appropriately balances the need for the Commission to discover all relevant information while still ensuring the confidentiality of sensitive information.

In order to ensure that the Commission will not be impeded from conducting its fact-finding mission, I respectfully request that the Committee vote Ought to Pass on L.D. 2192.