

Testimony of Linda Caprara

On behalf of the Maine State Chamber of Commerce

In opposition to L.D. 127, "An Act to Strengthen Legislative Oversight of Government Agencies and Programs by Reaffirming the Legislature's Access to Confidential Records" and L.D. 196, "An Act Regarding Documents Obtained by Suponea by the Government Oversight Committee
Before the Joint Standing Committee on Judiciary

Good Afternoon, Sen. Carney, Rep. Kuhn and members of the Joint Standing Committee on Judiciary. My name is Linda Caprara and I represent the Maine State Chamber of Commerce. I am here today to speak in strong opposition to L.D. 196, "An Act Regarding Documents Obtained by Suponea by the Government Oversight Committee" and L.D. 127, "An Act to Strengthen Legislative Oversight of Government Agencies and Programs by Reaffirming the Legislature's Access to Confidential Records" as drafted.

We oppose L.D. 196 and 127. It is our understanding that only with a couple of narrow exceptions expressly set forth in 36 MRS 191 (reviewing certain refundable tax credits and reviewing tax expenditures) OPEGA may have limited power to view taxpayers returns that are protected by 36/191. But OPEGA cannot share that information with members of the Legislature or legislative committees. This bill gives the Office of Program Evaluation and Government Accountability (OPEGA) the ability to share confidential and proprietary tax records of Maine businesses that are currently confidential at Maine Revenue Services (MRS) with the Government Oversight Committee. Taxpayers have an expectation and rightfully so that their tax return will be private. We have consistently argued that allowing tax return information to be shared outside of MRS violates taxpayer confidentiality and would put at risk proprietary information businesses have on their tax returns. Tax returns include all sorts of proprietary data including income, assets, liabilities, or sensitive information such as cost of goods sold.

We have no problem if the bill is limited to allow OPEGA to obtain confidential records necessary to complete its investigation of cases before the Department of Health and Human Services (DHS) or other agencies, as long as it excludes tax return information. We would propose that the bill be amended to exclude tax return information protected by 36 MRS 191 so that information cannot be shared directly with members of the legislature or committees.

Again, we strongly oppose this bill as drafted and urge the Committee to either amend the bill or vote No on L.D. 196 and L.D. 127.