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*Testimony of Rep. Adam Lee presenting*

## **LD 273, An Act to Preserve Legislative Authority over Investigating Committees**

*Before the Joint Standing Committee on State and Local Government*

Senator Baldacci, Representative Salisbury and distinguished members of the Joint Standing Committee on State and Local Government, I am Adam Lee, and I represent House District 89 which is Downtown Auburn and New Auburn. I'm here to introduce LD 273, An Act to Preserve Legislative Authority over Investigating Committees.

We are the Legislature. We are a co-equal branch of government. We are the primary policy-making body in Maine's Government. The first Article in the Maine Constitution, Article IV, devoted to a branch of government, is not devoted to the executive nor the judiciary; it is devoted to us, the Legislature. We are the representative branch of government. We are the closest to the people. As the U.S. Supreme Court in *United States v. Rumely* noted in 1953, that is why legislative bodies are imbued with the power to subpoena, because as the Court said, "[i]t is the proper duty of a representative body to look diligently into every affair of government and talk much about what it sees. It is meant to be the eyes and voice and to embody the wisdom and will of its constituents." That's why we – the Legislature – are the sole body with the authority to provide a committee subpoena power.

Why are we so willing to give it away without ensuring that we maintain some control over the entities to whom we provide the power? Why are we willing to give up the power without ensuring that we remain the eyes and voice of the government? When we do so and provide our authority to others, we abandon our role in government, we abandon our constituents, and we cease to embody their wisdom and will.

This bill is not partisan. This bill is not a criticism of any prior committee nor of the chief executive. This bill is highly critical, however, of Legislatures. Whether that's we who sit here in Augusta or Congress in DC, this is a national and state problem. When the representative legislative branch of government rolls over and ceases to exercise its power, the void will be filled by an Executive. This bill calls for one thing: that we, the Legislature, understand the collective power we have as a body – and ensure that we exercise it. Very simply, this bill

ensures that when the legislature provides a committee subpoena power, the Legislature shall then have the power to determine the membership and scope of that committee.

We're talking first principles here. As James Madison said in Federalist 51, "in republican government, the legislative authority necessarily predominates." He further explained how we should exercise that authority. "[T]he great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachment of the others." He went on, "[t]he provision for defense...must...be made commensurate to the danger of the attack. Ambition must be made to counteract ambition."

It is perfectly natural for the executive branch to seek the subpoena power for committees it creates. It's also perfectly natural for this body to check that ambition by exercising our power and authority and insisting, in such circumstances, that we embody the wisdom and will of our constituents and remain their eyes and voice, diligently looking into every affair of government.

I'd be happy to answer your questions and be available for the work session to assist in working this bill.