



HOUSE OF REPRESENTATIVES

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Senator Carney, Representative Kuhn, Distinguished Members of the Judiciary Committee:

My name is Will Tuell. I represent House District 10 which includes nearly two dozen small communities in central and coastal Washington County, and I am here today to present 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."

This bill is a companion bill to LD 635, which sought to bar the attorney general from suing Big Oil because it speaks to the bigger question.

Should Maine's Attorney General have the power to enter a civil suit without the consent of the very people who employ him or her?

If your answer is "Yes, sometimes things come up and we need to be proactive," then I would submit this is a proactive piece of legislation that says the Legislature, the employer of Maine's Attorney General, should be able to set boundaries around what cases the AG may pursue and what cases he or she may not pursue. It further stipulates that the people who elect us have an opportunity to demand we bring the AG before us and make him or her justify his case before pursuing it.

Whether you or I agree with any given suit – the "Big Oil" suit was my motivation for this bill – it is problematic that constitutionally elected lawmakers have no input on such endeavors, and should be the standard policy as long as we appoint our state's top lawyer.

Across the way we are debating whether the people of the State of Maine should elect the Attorney General. I would argue that until such time as that is passed, their elected representatives should have oversight on what the person occupying that office does or does not pursue in civil court.

Even then, the citizens should have a way to pump the brakes on a suit they find objectionable. That petition process will need some refinement, but I would encourage the committee to do so so that both legislators and the general public can have confidence that our Attorney General is acting in our best interests.

I know this will be seen as inconvenient, hamstringing the AG's office, and will result in uncomfortable conversations in the Legislature, but just as our Appropriations Committee oversees the development of our budget, it is reasonable to expect this committee oversee the AG's civil caseload.

It is also reasonable to suggest that if we have a process to submit bills, present them to a committee of our peers, and sift them through, so to should our lawyer.

I appreciate your time, consideration, and forbearance with me, and look forward to the conversation that this legislation generates. I would also encourage you to consider LD 635 in tandem with this bill, whenever a work session may be scheduled as it may be that you will favor a more tailored, limited approach rather than confronting this broader question.

Either way, I thank you for hearing me out.