



STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

Paul R. LePage
GOVERNOR

November 12, 2013

Senator John Patrick
Senator Ed Mazurek
Senator Rebecca Millett
Senator Anne Haskell
Senator David Dutremble
Senator Emily Cain
Senator Stan Gerzofsky
Senator Margaret Craven
Senator Colleen Lachowicz
Senator Dawn Hill
Senator Linda Valentino
Senator Geoff Gratwick

Representative Walter Kumiega
Representative Michael Shaw
Representative Erin Herbig
Representative Adam Goode
Representative Peggy Rotundo
Representative Anne Graham
Representative Joan Welsh
Representative Sharon Treat
Representative Bruce MacDonald
Representative Richard Farnsworth
Representative Seth Berry
Representative James Dill

Dear Committee Chairs:

I received your letter just as the calls from the press started coming in. Based on the timing, it appears you are—once again—trying to score political points in the media. Since I cannot respond to your letter in a sound bite, I will address each of your concerns in writing.

I was not surprised by your frustration with the protocol we have established for communicating with legislative committees. Having become accustomed to one-party rule for so long, perhaps you believe the Executive Branch is still at your beck and call. It must be frustrating to have to start conducting your work in a businesslike way.

To be clear, we have not refused to cooperate with the Legislature, and there is no “gag order.”

As I said in my August 14 letter to your presiding officers, throughout my tenure as Governor, both during and between legislative sessions, members of my administration have worked very hard to assure that committees get the information they need to carry out their legislative responsibilities.

The administration has spent countless hours preparing and presenting testimony, reports and other materials to assist you as you deliberate.

We do, however, have our own work to attend to. The days of having commissioners, deputy commissioners, assorted bureau directors and technical staff sitting in legislative committee rooms for hours on end, just in case you wish to pose a question, are over. We prefer thorough and well-written communications that can be entered into the public record without distortion from the media or partisan policymakers.



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When we provide the information you need in written form, we also achieve our shared goal of transparency and public access to information.

Every question submitted in writing by your committees has been answered, and every request for information has been obliged. Perhaps your frustration stems from your inability to berate members of my administration in person.

If you really want to “work together,” you would be more respectful of me and members of my administration. Legislative committees have treated commissioners and their staff—and the Office of the Governor—disrespectfully. Administration staff members have been chastised, scolded and badgered by you and your committee members.

They have been kept waiting for hours while you pontificate and preen for the cameras, and then subject them to interminable, repetitive questions. No more.

As I have emphasized in the past, I will make decisions about how Executive Branch employees should spend their time, not you. If there is a statutory obligation that requires a report or analysis, I will always meet that obligation. Members of my administration will conduct the work of the Executive Branch in a respectful and businesslike fashion, and they will provide the information you require in a respectful and businesslike way.

When you tried to circumvent the governing process by sending letters to Executive Branch departments directing us to perform tasks that had been rejected through the legislative process, I wrote your presiding officers to voice my concern about the Legislature’s apparent lack of respect for and treatment of the Executive Branch as an equal—but separate—branch of government.

It is *you* who does not understand the Constitution. We are indeed *equal* branches of government. However, you fail to indicate that we are *separate* but equal.

The Maine Constitution explicitly states: “The powers of this government shall be divided into three distinct departments, the legislative, executive and judicial.” This provision of the Constitution makes very plain that the executive department encapsulates much more than the Governor’s Office.

Your misunderstanding goes even deeper when you state that “according to the Constitution, the Legislature and the Governor’s Office must collaborate and share information to best serve the people we represent.” The framers of our Constitution emphatically and explicitly mandated that the branches of government were to be kept separate.

Also, the Constitution does not require commissioners or their staff to report in person before committees so they may be verbally assaulted or subjected to political showboating.

I have made no secret of my policy about how Executive Branch employees should respond to requests to appear before your committees. I will continue this policy, not just because it makes practical sense, but also because it is my constitutional duty to ensure that the laws of this State are faithfully executed.

Every minute Executive Branch employees spend in front of your committees is time that they cannot spend serving the people of Maine by carrying out the laws of the land—the very laws that you pass and that we are obligated to implement.

As I have indicated in previous correspondence on this matter, I respect your deliberative process in your role as the Legislative Branch of government. I have asked, and will continue to ask, that in return you respect the unique role of the Executive Branch of government.

Sincerely,


Paul R. LePage
Governor