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GOVERNOR

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AUGUSTA, MAINE
04333-0001

July 12, 2021

The 130th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 130th Legislature:

By the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 1711, *An Act to Enhance Enforcement of Employment Laws*.

Creating a culture of compliance with the law where working women and men are treated with respect and fairness is a goal this Administration shares with this Legislature and with all people of good will. It is a goal that the Attorney General, the Maine Department of Labor (DOL), the Workers Compensation Board and the Maine Human Rights Commission also share. I am proud that the bipartisan budget just passed includes positions and support for the enforcement effort of these agencies.

Individuals who have been harmed by a violation of Maine's employment laws generally have a remedy and the right to have an attorney represent them before these agencies. L.D. 1711, however, would authorize 'private attorneys general' who would file lawsuits not in the name of an individual but in the name of the state, seeking remedies reserved to state government, bypassing many regular administrative procedures, operating without state oversight and collecting attorneys fees for doing what state government does. While the prevalence of binding arbitration clauses in employment contracts may weaken the ability of employees to seek remedies due them, this bill does not address that problem and it actually creates unintended consequences to the public policy of this state.

In Maine it is the Attorney General who represents state agencies and who ensures that our laws are interpreted consistently and in a manner that protects and promotes the public interest and the constitutional rights of citizens. Private attorneys represent the State only in limited circumstances and only with express approval of the Attorney General. Delegating the authority of the state to private individuals or organizations is unconventional and is potentially unlawful. It is for those reasons that entities as diverse as the Professional Logging Contractors of Maine, the Maine Human Rights Commission and organizations representing small businesses all raised serious questions about the bill at the public hearing.



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Enabling private attorneys to conduct litigation in the name of the State, while taking positions and advocating for outcomes that the Attorney General and DOL may not support, would lead to damaging and conflicting precedents that undermine the public interest in the coherent and consistent administration of these important laws, as Attorney General Frey conveyed when testifying in opposition to this bill.

Given the expanded enforcement capability provided in the recent budget, this bill appears both problematic and unnecessary.

For these reasons, I return L.D. 1711 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Respectfully,



Janet T. Mills
Governor



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