

**STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE GOVERNOR**

5 January 2012

The 125th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1264, “An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs.”

My Administration is working hard to lower the cost of government for Maine’s taxpayers. Part of that initiative is reducing the State’s ongoing operating costs; energy efficiency is an important part of that goal. Nevertheless, LD 1264 would mandate higher costs and hurt accountability in State government. That is why I cannot support it.

This bill would give some so-called “routine, technical” rulemaking authority to a quasi-independent state body. The affirmative requirements in those rules would cause the state, counties, schools, towns, and others to consider a number of expensive management policies without clear definitions of short-term cost impacts. If it makes long-term financial sense for a new building project to incorporate load management into the design, then it will be included in the design. If, in a particular case, it does not make financial sense to include it, then this bill could require it be included anyway. Each case must be examined and reviewed on its own merits. One size does not fit all.

The second problem with this bill is the delegation of authority to agencies outside the oversight of elected officials. When rules are made, an elected official – a Governor, Representative, or Senator – should be directly responsible and electorally accountable for that decision. Giving away that responsibility to the Efficiency Maine Trust places an additional barrier between the people of Maine and the laws they have to live by, something I simply cannot support.

For these reasons, I return LD 1264 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor