



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

Paul R. LePage
GOVERNOR

13 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th 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 1267, "An Act To Protect Licensing Information of Medical Professionals."

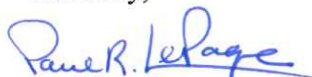
There is no question that certain personal information about licensees and applicants for licensure submitted to, and held by, medical licensing boards must, by law, remain confidential and shielded from public view. The Maine Freedom of Access Act (FOAA) sets forth the procedure that must be used by state agencies in responding to Freedom of Access inquiries. Moreover, the statutes of medical licensing boards affected by this bill clearly differentiate between licensee information that is public and information that is private and confidential.

This bill, however, would place an unreasonable burden on medical licensing boards by adding several layers of process to the procedure for responding to Freedom of Access Act requests. These additional requirements will significantly increase litigation and slow the release of public information. Specifically, the boards to which this bill would apply would be required to notify licensees who are subjects of a FOAA inquiry and then allow the licensee time to review redacted information. If the licensee objects to the release of the information, the bill allows a licensee time to file for injunctive relief in court to prevent the information from being released by the board. The board would be required to pay for additional legal services to defend it in court. Only if the board prevails in court could the requested information be released. There is no justification for adding layers of bureaucracy and state expense to an already complex and highly ineffective statute.

The Public Access Ombudsman position created by the Legislature in the Attorney General's Office is the appropriate resource for medical licensing boards to consult if there are questions about whether specific information should be redacted or released. Furthermore, there is nothing in current law that prevents licensees from requesting the publicly available information on themselves so that they can be aware of what would be released if such a request were made. This bill is simply unnecessary.

For these reasons, I return LD 1267 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,


Paul R. LePage
Governor



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