



Paul R. LePage

GOVERNOR

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

2 July 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 1709, "An Act To Allow the Maine Developmental Services Oversight and Advisory Board Access to Investigations of Suspicious Deaths and Mortality Reviews Performed by the Department of Health and Human Services."

The Maine Developmental Services Oversight and Advisory Board (MDSOAB) was created to review systemic concerns and provide recommendations regarding policies to the Department of Health and Human Services. LD 1709 does not advance this purpose.

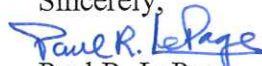
LD 1709 would grant the Board members direct access to the personal planning and other records of a person receiving adult developmental services. Currently, MDSOAB membership includes executives of Developmental Services providers. It is a conflict of interest for these individuals to view personal information of Developmental Services members that may relate to individuals served by the MDSOAB representatives' agencies or competitor agencies.

Furthermore, it is inappropriate for provider representatives to review individuals' personal health information and Adult Protective Services records that are highly sensitive and confidential without the member's or the member's guardian's permission. This is especially problematic because the MDSOAB has demonstrated that it lacks the ability to maintain confidentiality of information. The MDSOAB currently does not follow the requirements for appointment of members by the Governor and has publicly held out individuals as members who have not been appropriately vetted and approved. Such individuals have no legal authority to view this confidential material.

Given the MDSOAB's inability to comply with its current mandates, expanding the MDSOAB's access to highly sensitive, personal records is inappropriate.

For this reason, I return LD 1709 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,


Paul R. LePage
Governor



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