



Janet T. Mills
GOVERNOR

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AUGUSTA, MAINE
04333-0001

June 25, 2021

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

Dear Honorable Members of the 130th Legislature:

By the Authority conferred by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 1134, *An Act to Amend the Bail Code Regarding Certain Conditions of Release*.

L.D. 1134 would remove consequences for the violation of certain conditions of release by a person who has been granted pre-conviction or post-conviction bail. By their nature, bail conditions are designed to ensure responsible behavior pending trial. These conditions constitute court orders. It is essential that law enforcement has the ability to arrest someone engaging in behavior in violation of their conditions of release even if that behavior would not otherwise constitute a violation of law. It is all too common, for example, for domestic violence to be tied to alcohol abuse. A defendant who is charged with related offenses that were committed while intoxicated may be released on the condition that they not possess alcohol. A law enforcement officer who observes that person drinking heavily in escalating circumstances must be able to make an arrest in the interest of public safety. Denying law enforcement that ability deprives the officer of a critical tool to intervene and prevent violence and further victimization.

I agree with the sponsor that many of the 19 conditions of release serve little practical purpose and should be revisited; but leaving them in statute and unenforceable makes no sense. The Legislature should consider ways to ensure that the conditions of release that are imposed are not arbitrary, and explore ways to give greater guidance to bail commissioners to place conditions of release on a person that are related to the underlying offense. Not everyone who is granted pre-conviction release should have a condition to avoid alcohol placed upon them. But if alcohol fueled the original offense, it is reasonable and appropriate to demand a person take certain steps to help conform their behavior while they await disposition of their charge. This provision of law can be beneficial, should be used sparingly and ought to remain an option in the right cases.



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For these reasons I return LD 1134 unsigned and vetoed and urge the Legislature to sustain this veto.

Sincerely,



Janet T. Mills
Governor



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