

Joint Standing Committee on Judiciary
State House, Room 438
April 30, 2009

LD 1353: "An Act Regarding Salary Information for Public Employees"

Testimony by Gary Foster

Senator Bliss, Representative Priest, distinguished members of the Joint Standing Committee on Judiciary, my name is Gary Foster and I am here to express my concern and opposition to LD 1353: An Act Regarding Salary Information for Public Employees.

I am a resident of the Town of Gray, former Chair of the Gray Town Council, and current Chairman of the Board of Directors of Maine Taxpayers United.

Just recently the Obama Administration released confidential interrogation documents, which unwittingly puts our country at risk by seriously hindering our ability to gather information; information that has kept our country safe since the September 11, 2001 attack on our country and people. This type of information should obviously remain confidential for reasons of national security, which incidentally, is a legitimate function of government.

Before you now is a proposal to conceal from the public, information regarding salaries paid by Maine taxpayers to public employees in Maine; information that does not even remotely suggest a matter of security. This type of information is, and ought to remain available to the citizens of Maine.

I present these two scenarios to you to illustrate that something is drastically wrong with this picture; that something is seriously wrong with our politicians' attitude and perception of the real world.

Furthermore, some of the public employees that this bill proposes to conceal from the public are charged with the task of gathering and recording not only information regarding names and incomes of private citizens, but their social security numbers and home addresses as well. Again, something is drastically wrong with this picture.

The preamble to the Constitution of the State of Maine includes these words: "*We the people of Maine... do agree to form ourselves into a free and independent State, by the style and title of the State of Maine and do ordain and establish the following Constitution for the government of the same.*" Additionally, Article I, Section 2 declares that: "*All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit...*"

This means that the government of the State of Maine, including its political subdivisions and public schools is ours; the people of Maine. It further means that all who work in the public sector are de facto employees of "We the people of Maine." There exists no article, provision, or amendment in our state's constitution that declares government an entity unto itself to be concealed and protected from its citizens.

As with any employer, we the people of Maine are not only entitled, but have a duty to know who we employ and how much we pay them. It is inconceivable that salaries would be concealed from any employer, whether it is the board of directors of a corporation, the proprietor of a small business, or the taxpayers.

This bill appears to be an impulsive reaction to the recently created public information web site MaineOpenGov.org. Incidentally, in a rather ironic twist, in the course of gathering information the founders of this public information database met with much resistance and were forced to file numerous requests under Maine's Freedom of Access Act in order to obtain public information.

With all due respect, I find it particularly offensive that there are those who work for we the people as our representatives in our government, who have so little understanding of or respect for our form of government that they would try to separate and conceal it from us. As evidenced by the Declaration of Independence and numerous other documents, our country's founders not only recognized but emphasized the right of the people to protect themselves from a runaway or rogue government. They did not found a country whose government is to be concealed from its citizens. A dangerous ambition lurks behind attempts by our elected leaders to barricade the door of government and defend it against its rightful owners.

We the people of Maine created our government, we the people pay employees to perform certain tasks for the benefit of our society, and we the people have a right to know how much and to whom we are paying.

For these reasons, I urge this committee to vote a unanimous, "Ought Not to Pass" recommendation.

Respectfully submitted,
Gary Foster
Gray, Maine