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**TESTIMONY OF SECRETARY OF STATE MATT DUNLAP
IN OPPOSITION
March 27, 2017**

***LD 850, "An Act To Prohibit a Person from Providing False Testimony to a Committee
of the Legislature"***

Senator Davis, Representative Martin, and distinguished members of the Joint Standing Committee on State and Local Government; I am here today to respectfully present testimony in opposition to LD 850.

I'll begin with an intellectual puzzle; the Cretan's Paradox, which follows like this: A wise man from Crete declares that you can't trust anyone from Crete because they're all liars. Being from Crete, and a wise man, he should know, so his testimony is reliable. But if what he says is true, then he's lying, and can't be trusted. So is he lying or telling the truth?

This ancient puzzle speaks in no small part to perspective. Like the sponsor and all of you, I know well enough that misleading testimony is damaging to the integrity of the process. But we also know through experience that this is a process that polices itself. People who dissemble, mislead, or outright lie don't last long in Augusta.

The point here, I believe, is to make sure that committees are getting accurate and truthful information. I think that's understandable and laudable. But what is truth? What is accurate?

I once took a class taught by a former START Missile Treaty negotiator. He told our class that when it comes to how people understand issues and take positions on them, that "where they stand depends on where they sit around the table." I've never forgotten that, and you don't have to haunt too many committee meetings to see how true it is. Take any controversy with which we've dealt over the years. People stake firm positions and provide tons of information that completely contradicts the evidence presented by their opponents. It doesn't mean they're misleading—but it does mean they have a different perspective.

Many years ago, when I was a new committee chair here in the Legislature, we contemplated changes to the hunting laws in Maine that would dial back conservation and safety measures that had been in place for decades. Feelings ran strong on both sides, and we had plenty of evidence to defeat the legislation. I strongly opposed those bills, and felt the information that stated that no harm would come from those bills to be terribly misleading.

I was so passionate in my position that when I lost those floor fights, I contemplated resigning my seat, as I believed I had failed the families that were sure to lose loved ones in needless hunting incidents.

It took a lot of soul-searching to overcome that conviction; and that fall, after I had recovered from the legislative defeat, I witnessed a hunting season that came and went with no incidents at all. Despite my dire warnings to the Legislature, everything had turned out fine.

Fuller analysis revealed why. The issues in question—deer driving, blaze orange clothing, and twilight hunting—had all been enacted into law around the same time; somewhat later, mandatory hunter safety education was instituted. Both the bans on deer driving and twilight hunting were for conservation, not for safety.

As it has been revealed, it was hunter safety education that was the most important element in eliminating the dangerous trend of accidental shootings during hunting season. For perspective on how bad it was at one time, in 1954 Maine suffered 19 fatalities amongst more than 100 serious incidents in a season where there were half as many licensed hunters as today.

Was I misleading in my testimony or floor speeches? I certainly didn't think so. By the grace of God, I was only wrong. But trying to institute a mechanism such as this false testimony prohibition in law may not only be unenforceable for the above-mentioned reasons, as it codifies the workings of the Legislature into law, but I'm also not sure it's even properly before the body.

Regardless, as hard as it can be at times, the signal work of a legislator is to sort out the value of proposed legislation amidst proponents and opponents against the backdrop of their own values. Unenforceable mandates such as this guarantee no process better than the one we have.