

MAINE STATE LEGISLATURE

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(Governor's Bill)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1795

S. P. 509

In Senate, May 20, 1977

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Collins of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to Legislative Review of Conflicts of Interest in
Appointments Subject to Confirmation.

Be it enacted by the People of the State of Maine, as follows:

3 MRSA § 153 is enacted to read:

§ 153. Legislative review of conflicts of interest and appointments
subject to confirmation

A "conflict of interest" would only occur if, after examination of a Governor's nominee, the legislative committee reviewing that nomination determines that a majority of a prospective nominee's duties would directly involve decisions concerning areas in which the nominee has a financial interest. A nomination could also be denied if a nominee would have to abstain due to a potential conflict of interest from acting in over $\frac{1}{3}$ of the matters brought before him. If a definition or standard of conflict of interest in a particular office is set forth in the statutes relating to the powers and duties of the office, that definition or standard shall be applicable pursuant to this section.

A Governor's appointee shall refrain from taking action and shall abstain from voting in voting situations whenever the appointee has a direct financial interest in the pending subject matter.

Any legislative committee which reviews a Governor's nomination to an office, which by law is subject to confirmation by the Legislature, shall have the authority to inquire into the income, assets and background of the nomi-

nee in order to determine whether or not a conflict of interest would exist in the nominee's exercise of the powers and duties of that office.

Whenever an appointee does not refrain from acting on the subject matter in which he has a financial interest and thereby benefits from his action, he shall be subject to a fine of a minimum of \$100. This section shall not limit the state's ability to seek restitution of any funds illegally procured by an officeholder, nor shall it affect the prosecution of an appointee when he is charged with a criminal violation arising out of their official conduct.

STATEMENT OF FACT

The purpose of this bill is to provide a standard by which the legislative committees charged with review of gubernatorial nominations may judge those nominations in the areas of conflict of interest. A nominee will not be determined to be in conflict unless a majority of the duties in which he would be charged directly involves decisions concerning areas in which the nominee has a financial interest.

A nominee would be expected to abstain from acting whenever his duties concern areas where the nominee has a direct financial interest. Should a nominee be in a situation where he has to abstain from action in over $\frac{1}{3}$ of the matters before him, then that person would also be deemed to be in conflict.

The intent of this standard is to allow individuals with talent and experience to serve the State. Nominees should not be rejected merely because of personal interest unless there is a definite conflict of interest between their private lives and their prospective duties. A stringent and technical interpretation of a conflict of interest severely limits the available persons of experience and expertise who are able to serve the State.