

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1066

H.P. 789

House of Representatives, March 5, 2019

An Act To Address Municipal Conflicts of Interest

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SAMPSON of Alfred.
Cosponsored by Senator LIBBY of Androscoggin and
Representatives: BRENNAN of Portland, CARNEY of Cape Elizabeth, DOLLOFF of
Rumford, FECTION of Augusta, HARRINGTON of Sanford, KINNEY of Knox, McLEAN
of Gorham, PICKETT of Dixfield.

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

2 **Sec. 1. 30-A MRSA §2526, sub-§8**, as amended by PL 2009, c. 57, §1, is further
3 amended to read:

4 **8. Treasurers and tax collectors.** Treasurers and tax collectors of towns may not
5 simultaneously serve as municipal officers, code enforcement officers or as elected or
6 appointed assessors until they have completed their duties and had a final settlement with
7 the town.

8 A. The same person may serve as treasurer and tax collector of a municipality.

9 B. A town clerk performing the duties of either tax collector or treasurer may not
10 simultaneously perform the duties of the code enforcement officer.

11 **Sec. 2. 30-A MRSA §2605-A** is enacted to read:

12 **§2605-A. Conflicts of interest; contracts for professional services**

13 A person contracted to provide professional services to a municipality may not have a
14 direct or indirect pecuniary interest in any benefit that may arise from the professional
15 services provided to the municipality other than payment under the contract. For
16 purposes of this section, a person is deemed to have a pecuniary interest in any benefit
17 that may arise from professional services provided to the municipality under a contract if
18 the person has an ownership interest in more than 10% of the land area within the
19 municipality. For purposes of this section, "professional services" includes, but is not
20 limited to, services provided by accountants, architects, attorneys, consultants and
21 engineers.

22 **Sec. 3. 30-A MRSA §2636, sub-§§13 and 14**, as enacted by PL 1987, c. 737,
23 Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8
24 and 10, are further amended to read:

25 **13. Assist residents.** Shall assist, insofar as possible, residents and taxpayers in
26 discovering their lawful remedies in cases involving complaints of unfair vendor,
27 administrative and governmental practices; ~~and~~

28 **14. Remove appointments.** Has exclusive authority to remove for cause, after
29 notice and hearing, all persons whom the manager is authorized to appoint and report all
30 removals to the board of selectmen; and

31 **Sec. 4. 30-A MRSA §2636, sub-§15** is enacted to read:

32 **15. Training.** Shall implement a training program for municipal officers and
33 employees responsible for negotiating, drafting, reviewing or executing written
34 agreements for professional services. The training program must include information on
35 ethical standards applicable to individuals and entities providing professional services and
36 the performance risks associated with contracting for professional services. For purposes
37 of this subsection, "professional services" includes, but is not limited to, services
38 provided by accountants, architects, attorneys, consultants and engineers.

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SUMMARY

This bill minimizes conflicts of interest in municipal government operations. The bill precludes the municipal treasurer and tax collector, or town officer performing the duties of either, from simultaneously acting as the municipality's code enforcement officer. The bill requires the town manager to implement a training program for municipal officers and employees on the ethical standards applicable to and the performance risks associated with hiring professional consultants. The bill prohibits a person contracted to provide professional services to a municipality from having a direct or indirect pecuniary interest in the business of the municipality.