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Legislative Document

No. 6

H.P. 9

House of Representatives, January 7, 2015

**Resolve, To Implement Recommendations of the Government
Oversight Committee To Strengthen the Ethics Practices and
Procedures for Executive Branch Employees**

Reported by Representative KRUGER of Thomaston for the Government Oversight Committee pursuant to the Maine Revised Statutes, Title 3, section 997, subsection 2.

Reference to the Committee on State and Local Government suggested and ordered printed pursuant to Joint Rule 218.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

1 **Sec. 1. Consolidation of ethics standards for state employees. Resolved:**
2 That the Department of Administrative and Financial Services, referred to in this resolve
3 as "the department," shall develop a consolidated code of ethics and conduct for state
4 employees, referred to in this resolve as "the code," along with legislation required to
5 implement the code. As used in this resolve, "state employee" means any regular
6 classified or unclassified officer or employee of the executive branch.

7 In developing the code, the department shall incorporate, as appropriate:

8 1. Recommendations contained in "Report on Ethics Laws for Executive Branch
9 Employees" prepared by the Commission on Governmental Ethics and Election Practices
10 and published in December 2009;

11 2. Standards of ethics and conduct that exist in statute, executive order, the state
12 administrative and accounting manual and state agency policies, including standards for
13 information technology use and personnel policies;

14 3. Standards to address ethical situations not addressed in the existing standards,
15 including but not limited to gifts, personal and business relationships affecting
16 impartiality, post-state employment, use of government property and conflicting outside
17 employment and activities;

18 4. Standards regarding employee ethics and guidance adopted for employees of the
19 Federal Government and other states; and

20 5. Input from the Commission on Governmental Ethics and Election Practices and
21 other relevant organizations with expertise in the development and maintenance of ethics
22 policies and standards; and be it further

23 **Sec. 2. Code training and communications. Resolved:** That the department
24 shall develop and implement a training and communications plan to increase the
25 awareness and accountability of state employees regarding the code. The plan must
26 provide for clear and regular communications to state employees; accessible formal and
27 informal guidance documents, including plain language explanations; and ongoing
28 training opportunities for state employees. The department shall consider incorporating in
29 the plan a mechanism for periodic confirmation of awareness of the standards in the code
30 by individual state employees. The plan must be developed in conformity with the
31 applicable recommendations contained in "Report on Ethics Laws for Executive Branch
32 Employees" prepared by the Commission on Governmental Ethics and Election Practices
33 and published in December 2009; and be it further

34 **Sec. 3. Code guidance and reporting avenues. Resolved:** That the
35 department shall establish and implement clear avenues and procedures for state
36 employees to seek guidance regarding the code and to report potential violations of the
37 code. The procedures must include provisions for confidential reporting; and be it further

38 **Sec. 4. Report. Resolved:** That the department shall submit an interim report to
39 the Government Oversight Committee no later than October 1, 2015 describing the status
40 of the work undertaken to that date pursuant to this resolve. The report must include, but

1 is not limited to, a timeline that establishes specific dates for completion of work required
2 by the resolve. The department shall submit a final report documenting its work pursuant
3 to this resolve, together with implementing legislation, to the Government Oversight
4 Committee and the Joint Standing Committee on State and Local Government not later
5 than December 1, 2015. The Government Oversight Committee is authorized to submit
6 legislation related to the report to the Second Regular Session of the 127th Legislature;
7 and be it further

8 **Sec. 5. Recommendation for legislative branch. Resolved:** That the
9 Government Oversight Committee, based on the final report provided to the committee
10 by the department pursuant to section 4, may recommend a similar consolidated code of
11 ethics and conduct and related procedures to the Legislative Council for use by the
12 Legislature.

13 **SUMMARY**

14 This resolve implements the recommendations of the Government Oversight
15 Committee stemming from 2 reports of the Office of Program Evaluation and
16 Government Accountability: "Public Utilities Commission" and "Healthy Maine
17 Partnerships' FY13 Contracts and Funding." The resolve directs the Department of
18 Administrative and Financial Services to take certain steps to strengthen the ethics
19 standards and practices for executive branch employees by developing a consolidated
20 code based in part on recommendations contained in a December 2009 report to the
21 Legislature from the Commission on Governmental Ethics and Election Practices entitled
22 "Report on Ethics Laws for Executive Branch Employees." This resolve also requires the
23 department to implement procedures for employees to seek guidance on ethics and to
24 report potential ethics violations. The committee also is authorized to recommend to the
25 Legislative Council a similar code of ethics and conduct for use by the Legislature.