

MAINE STATE LEGISLATURE

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January 28, 1975 ✓

James E. Mitchell, Director

Maine State Housing Authority

Martin L. Wilk, Deputy

Attorney General

Legislative Conflict of Interest

This will respond to your memorandum dated January 23, 1975, inquiring generally whether the Maine State Housing Authority may enter into transactions with legislators involving land owned by legislators. Without knowing the specific details surrounding any particular transaction, we hesitate to express any precise views on the matter. In the absence of any specific facts, about all we can say is that there does not appear to be any constitutional or statutory provision which would, per se, preclude the Housing Authority from dealing with legislators.

Where a legislator has a conflict of interest question regarding a proposed transaction he or she may, pursuant to 3 M.R.S.A. § 381-A, request an advisory opinion and guidelines with respect to the matter from the Committee on Legislative Ethics. You may find it useful to consult the chapter in the statutes on Legislative Ethics, 3 M.R.S.A. Chapter 19, §§ 380, et seq. for examples of the kinds of activities which are presumed to be conflicts of interest. Among these are:

"A. Where a Legislator or a member of his immediate family has a direct financial interest or an interest through a close economic association in a contract for goods or services with the State, a state agency or authority in a transaction not covered by public notice and competitive bidding or by uniform rates established by the State, a state agency authority or other governmental entity or by a professional association or organization.

"B. Granting or obtaining special privilege, exemption or preferential treatment to or for oneself or another, which privilege, exemption or treatment is not readily available to members of the general community or class to which the beneficiary belongs." 3 M.R.S.A. § 382(3).

"C. Use or disclosure of confidential information obtained because of office or position for the benefit of self or another."

By way of general advice, any transactions between the Authority and members of the Legislature should be approached with particular caution and with a view towards avoiding even the appearance of a conflict of interest.

MARTIN L. WILK
Deputy Attorney General

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