

MAINE STATE LEGISLATURE

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1 M.R.S.A. 402-3-A

June 3, 1976

Commission on Governmental Ethics
and Election Practices

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Attorney General

Confidentiality of legislative requests for opinions

At the Commission meeting on May 13, 1976, the Commission posed the following question: "May the Commission keep confidential requests from individual legislators for opinions on whether those individual legislators may have a conflict of interest on any particular matter?"

The answer to this question is that the Commission may keep confidential opinion requests from individual legislators which seek advice on whether those legislators have a conflict of interest. 1 M.R.S.A. § 1013 generally addresses issuance of opinions to legislators regarding conflict of interest. 1 M.R.S.A. § 1013-2-J states:

"The records of the commission and all information received by the commission acting under this subchapter in the course of its investigation and conduct of its affairs shall be confidential, except that evidence or information disclosed at public hearings, the commission's findings of fact and its opinions and guidelines are public records."

This section specifically authorizes the Commission to keep such opinion requests and related records confidential. This authorization is maintained despite the provisions of the Right to Know Law, P.L. 1975, Chapter 758. Under the Right to Know Law, 1 M.R.S.A. § 402-3-A, the definition of public documents indicates that those documents specifically designated confidential by statute are exempt from the Right to Know Law. That exemption would thus apply to the specific designation of Section J quoted above.

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