

# MAINE STATE LEGISLATURE

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June 3, 1976

Commission on Governmental Ethics  
and Election Practices

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Attorney General

Complaints

At the Commission meeting on May 13, 1976, the Commission posed the following question for response by the Attorney General's Office: Who may file complaints with the Commission under its various authorities and what complaints must be considered?

Response to this question requires separate consideration of each of the three primary areas of authority of the Commission:

1. Legislative ethics.
2. Campaign reporting.
3. Appeals of contested election results.

I. Legislative ethics

Pursuant to 1 M.R.S.A. Section 1013-1 the Commission is granted authority to consider matters relating to legislative ethics:

- A. On request of any individual legislator on an issue involving himself;
- B. On complaint of any legislator alleging conflict against another legislator.
- C. On its own motion.

Thus, outside of the Commission's own ~~arbitrary~~ actions, only legislators are specifically authorized to file complaints. This intent is confirmed by the provisions of 1 M.R.S.A. Section 1013-2-B, which addresses the filing of complaints and solely discusses legislators filing complaints. It is further confirmed by the provisions of paragraph G of the same sub-section which discusses appeals by the complainants to the House of which they are a member.

This opinion should not, however, be construed to imply that the Commission should refuse to accept complaints or information received from other parties. The Commission, as noted above, does have authority to investigate questions relating to legislative ethics on its own motion. Therefore, the Commission can receive information from sources other than a formal complaint and, if, in its sole discretion, it believes such information worthy of investigation, it may do so. This information could be received as a result of the Commission's own investigatory activities. It also could be received as a result of information provided by State officials or private parties.

II. Campaign Reports

As to campaign reports, 21 M.R.S.A. Section 1402(1) provides: "Any person may make written application to the Commission requesting an investigation and stating the reasons for the request. The Commission shall

review the application and shall make the investigation if the reasons stated show sufficient grounds for believing that a violation may have occurred."

Thus any person may file a complaint relating to campaign finances and campaign reporting.

### III. Elections

21 M.R.S.A. Section 1422 provides that regarding challenged ballots in an election for a particular office: "Any candidate for such office may appeal to the Commission, in writing, not more than 5 days after completion of the recount proceeding. Such written appeal shall set forth in detail the grounds for the appeal."

Thus appeals of election results may only be filed by candidates for the particular office which is the subject of the contested election ballots.

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