

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

July 7, 1976

Barnett I. Shur, Esq.
Bernstein, Shur, Sawyer & Nelson
One Monument Square
Portland, Maine 04111

Re: Commission on Governmental Ethics and Election Practices

Dear Barney:

Your letter of May 21, 1976, to the Chairman of the Commission on Governmental Ethics and Election Practices raised certain questions regarding proper interpretation of 1 M.R.S.A. §§ 1016 and 1017 requiring statements by legislators of sources of income. Generally your questions asked whether and to what extent, if any, legislators must be required to disclose the specific sources of their income as opposed to general sources and areas of work which create the income.

The answer to your question is that legislators need not identify by name the specific sources of income; they may limit the indication of the source to the type of business or economic activity from which the income is derived. This is made clear from the second sentence of section 1016 which states:

"Sources of income need not be indicated by name, but shall be indicated by category or type of business entity or economic activity in such manner as shall be determined by the Commission."

Section 1016 specifies the requirement for disclosure of sources of income.

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Section 1017 then discusses the form by which those disclosures should be provided. The provisions specifying the form of disclosure should not be interpreted to require any more specific disclosure than the general section requiring disclosure. Thus, when 1017 requires that legislators file a statement which reveals "each source of income to him or any member of his immediate family exceeding a value of \$300. . . ." the term "each source" must be interpreted in light of the provisions of 1016 which indicate that sources are to be identified not by specific names but by general areas of business activity. This intent is further confirmed by the last paragraph of section 1017 which specifies that attorneys at law need not disclose their specific clients, but only their major areas of practice.

Both sections 1016 and 1017 make clear that it will be the Commission's responsibility by publication of regulations and forms to further interpret the general requirement that sources of income be disclosed. Clearly, the Commission has some flexibility in this area, and should begin developing regulations to implement this section.

As to the Constitutional question you raise regarding disclosure of immediate family sources of income, I do not believe that we could find such a requirement unconstitutional. A number of policy and legal arguments may be made to support the immediate family disclosure requirement. The purpose of the law might be frustrated if such disclosure were not required. Our office only issues opinions that existing laws are unconstitutional in clear cases. This is not one of those cases.

Sincerely,



DONALD G. ALEXANDER
Deputy Attorney General

DGA:mfe

cc: Commission on Governmental
Ethics and Election Practices