

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 39

S. P. 11

Office of the Clerk of the House

Filed December 10, 1970 under Joint Rule 6 by Senator Katz of Kennebec.
To be printed and delivered to the Senate of the 105th Legislature.

BERTHA W. JOHNSON, Clerk

Presented by Senator Katz of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Legislative Ethics.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 3, c. 19, additional. Title 3 of the Revised Statutes is amended by adding a new chapter 19, to read as follows:

CHAPTER 19

LEGISLATIVE ETHICS

SUBCHAPTER I

STATEMENT OF PURPOSE

§ 371. Statement of purpose

The Maine Legislature enjoys a high reputation for progressive accomplishment. The vast majority of its members are public officers of integrity and dedication, seeking at all times to maintain high standards of ethical conduct.

The public interest is best served by attracting and retaining in the Legislature men of high caliber and attainment. The public interest will suffer if unduly stringent requirements deprive government "of the services of all but princes and paupers."

Membership in the Legislature is not a full-time occupation and is not compensated on that basis; moreover, it is measured in 2-year terms, requiring each member to recognize and contemplate that his election will not provide him with any career tenure.

Most Legislators must look to income from private sources, not their public salaries, for their sustenance and support for their families; moreover, they must plan for the day when they must return to private employment, business or their professions.

The increasing complexity of government at all levels, with broader intervention into private affairs, makes conflicts of interest almost inevitable for all part-time public officials, and particularly for Legislators who must cast their votes on measures affecting the lives of almost every citizen or resident of the State. The adoption of broader standards of ethics for Legislators does not impugn either their integrity or their dedication; rather it recognizes the increasing complexity of government and private life and will provide them with helpful advice and guidance when confronted with unprecedented or difficult problems in that gray area involving action which is neither clearly right nor clearly wrong.

If public confidence in government is to be maintained and enhanced, it is not enough that public officers avoid acts of misconduct. They must also scrupulously avoid acts which may create an appearance of misconduct.

The Legislature cannot legislate morals and the resolution of ethical problems must indeed rest largely in the individual conscience. The Legislature may and should, however, define ethical standards, as most professions have done, to chart the areas of real or apparent impropriety.

SUBCHAPTER II

BRIBERY, FEES, PAYMENTS AND GIFTS

§ 391. Bribery of members of the Legislature

A Member of either of the Houses composing the Legislature of this State, or a person elected to become a member thereof, who asks, receives or agrees to receive any bribe upon any understanding that his official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any particular manner or upon any particular side of any question or matter upon which he may be required to act in his official capacity, or who gives or offers or promises to give any official vote in consideration that another Member of the Legislature, or person elected to become such member shall give any such vote, either upon the same or another question, shall be guilty of a felony, punishable by imprisonment in the State Prison not exceeding 2 years.

§ 392. Unlawful fees or payments

A Member of the Legislature or any officer or employee of the Legislature who asks or receives or consents or agrees to receive any emolument, gratuity or reward or any promise of emolument, gratuity or reward or any money, property or thing of value or of personal advantage, except such as may be authorized by law, for doing or omitting to do any official act, or for performing or omitting to perform any act whatsoever directly or indirectly related to any matter in respect to which any duty or discretion is by or in pursuance of law imposed upon or vested in him, or may be exercised by him

by virtue of his office, or appointment or employment or his actual relation to the matter including, without limiting the generality of the foregoing, approving or promoting the passage of legislation or resolutions or the confirmation of appointees, or the conduct of investigations, and a person who shall directly or indirectly offer or make such a transfer to any Member of the Legislature or any officer or employee of the Legislature shall be guilty of a felony, punishable by imprisonment for not more than 2 years or by a fine of not more than \$10,000 or by both.

§ 393. Unlawful gifts

A Member of the Legislature or any officer or employee of the Legislature who shall knowingly solicit, accept or receive any gift including money, service, loan, travel, entertainment, hospitality or other thing having a value of \$25 or more from a person under circumstances from which such member, officer or employee could reasonably infer that the gift was intended to influence him, or under which such gift could reasonably be expected to influence him, in the performance of his official duties, or was intended as a reward for any official action on his part and any such person, who shall offer or make such a gift to any member, officer or employee of the Legislature, shall be guilty of a misdemeanor.

The term "gift" shall not include political expenditures and contributions governed by the election law.

SUBCHAPTER III

COMMITTEE ON LEGISLATIVE ETHICS, CONFLICTS OF INTEREST

§ 411. Committee on Legislative Ethics

1. Membership. The Committee on Legislative Ethics shall consist of the President of the Senate, the Speaker of the House, the Majority Floor Leader of the Senate, the Majority Floor Leader of the House, the Minority Floor Leader of the Senate and the Minority Floor Leader of the House.

2. Chairmanship. The chairmanship shall alternate in succeeding sessions between the President of the Senate and the Speaker of the House.

3. Compensation. The members of the committee shall be compensated for the time spent on attendance at meetings of the committee and when engaged in the performance of duties under the instructions of the committee and authorization by its chairman at the rate of \$10 per day and actual expenses incurred. No compensation shall be paid for attendance at any meeting of the committee held while the Legislature is in session.

4. Authority. The committee shall have the authority:

A. To advise, on request, Members of the Legislature on problems pertaining to possible conflicts of interest in matters under consideration by the Legislature;

B. To receive reports of conflicts of interest of Legislators, legislative counsel and legislative agents;

C. To investigate reports of conflicts of interest and to make recommendations to the Attorney General on the basis of its investigation.

§ 412. Conflicts of interest

No member who has a substantial financial interest, direct or indirect, not shared by the general public, in a proposal before the Legislature or any committee or subcommittee thereof, or whose action may reasonably be expected to be influenced by a close professional, employment, business or family relationship with anyone to his knowledge having such an interest, shall promote or oppose in any manner such proposal unless he shall first have filed a written statement with the Committee on Legislative Ethics, describing the nature of any such interest, which statement shall be open to public inspection.

STATEMENT OF FACT

The purpose of this legislation is reflected in the first section of the bill—Title 3, section 371.