

MAINE STATE LEGISLATURE

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New Draft of: S. P. 11, L. D. 39

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1368

S. P. 511

In Senate, March 19, 1971

Reported by Senator Clifford of Androscoggin from Committee on State Government and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

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 COMMITTEE ON LEGISLATIVE ETHICS

§ 381. 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.