

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1876

H. P. 1773

House of Representatives, January 25, 1980.

Reported by Mrs. Kany from the Committee on Government Ethics and ordered printed under Joint Rule 17, pursuant to H. P. 1437.

EDWIN H. PERT, Clerk of the House

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Require Financial Disclosure by Justices and Judges.

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

4 MRSA c. 27 is enacted to read

CHAPTER 27

FINANCIAL DISCLOSURE

§ 1201. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. **Appointed justice or judge.** "Appointed justice or judge" means the Chief Justice, an Associate Justice and Active Retired Justice of the Supreme Judicial Court, a Justice and Active Retired Justice of the Superior Court, a Judge and Active Retired Judge of the District Court and the Administrative Court Judge and Associate Administrative Court Judge.

2. **Elected judge.** "Elected judge" means a Judge of the Probate Court.

3. **Future interests.** "Future interests" mean a legally enforceable right to income or property in the future, including contracts or agreements for future employment or income, vested pension or retirement benefits, or distributive shares of a former partnership or business association.

4. **Income.** “Income” means economic gain from any source, including compensation for services, including fees, commissions and payments in kind; income derived from business; gains derived from property transactions, rents or royalties; income from investments, including interest, capital gains and dividends; alimony or separate maintenance payments; annuities; income from life insurance or endowment contracts; pensions; discharges of indebtedness; distributive share of partnership income; income from an interest in an estate or trust; and prizes, awards, grants or gifts.

5. **Justice or judge.** “Justice or judge” means an appointed or elected justice or judge.

6. **Property.** “Property” means both real estate and personal property.

§ 1202. Statement of finances

Each justice or judge shall file with the State Court Administrator a statement of finances for the preceding calendar year and an estimate for the next year. The statement shall either be sworn or contain notice that false statements are punishable under the Maine Criminal Code. The statement shall indicate the category or type of:

1. **Source of income.** The entity or economic activity that is the source of income to him, his spouse or dependent children that exceeds \$300 during the year;

2. **Property.** Property owned by him, his spouse or dependent children that exceeds \$5,000 in fair market value during the year;

3. **Future interests.** Future rights that he, his spouse or dependent children will be entitled to and that will exceed \$300 in income or \$5,000 in fair market value in any future year; and

4. **Practicing attorney.** If he is a practicing attorney, the major areas of practice and, if associated with a law firm, the major areas of the firm’s practice.

§ 1203. Time for filing

1. **Initial filing.** An elected judge shall file an initial report within 30 days of his election. An appointed justice or judge shall file an initial report prior to confirmation by the Legislature.

2. **Report of substantial change.** Each justice or judge whose income or property substantially changes shall file a report of that change within 30 days of the change.

§ 1204. Rules

The Supreme Judicial Court may adopt or amend rules to specify the reportable categories or types, the methods of valuation, the procedures and forms for reporting and to administer this chapter.

§ 1205. Public record

Statements filed under this chapter are public records.

STATEMENT OF FACT

This bill is a result of a study by the Joint Select Committee on Government Ethics as ordered by H. P. 1437. The purpose of this bill is to require financial disclosure by justices and judges to conform to the standards applied to Legislators and state employees, as recommended in companion bills. This bill would require justices and judges of all courts to disclose their sources of income and assets. Future disclosure would be required on their appointment or election and subsequently when there was any major change.