

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2279

H.P. 1618

House of Representatives, February 3, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MAYO of Thomaston.

Cosponsored by Representative LOOK of Jonesboro, Representative GWADOSKY of
Fairfield and Representative JOSEPH of Waterville.

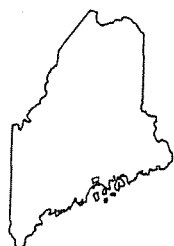
STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Strengthen Maine's Governmental Ethics Laws.

(AFTER DEADLINE)

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the public is best served by a balanced and just commission to oversee election practices of candidates; and

Whereas, the public is also best served by the full disclosure of personal financial information of all candidates in legislative campaigns; and

Whereas, it is in the best interest of all Maine citizens to implement disclosure and election commission reforms as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 1 MRSA §1002, sub-§1, as amended by PL 1989, c. 503, Pt. B, §1, is further amended to read:

1. **Membership.** The Commission on Governmental Ethics and Election Practices, established by Title 5, section 12004-G, subsection 33, called the "commission," shall ~~consist~~ consists of 7 9 members to be appointed as follows:

A. The President of the Senate and, the floor leaders of the 2 major parties and the assistant minority leader in the Senate shall each appoint one member, with the concurrence of 2/3 vote of the Senate. Each ~~such~~ member shall must be appointed in January ~~of each even-numbered year~~ as provided in this subsection, and shall serve a term of 2 years from the date of appointment or until a successor is appointed and qualified;

B. The Speaker of the House and, the floor leaders of the 2 major parties and the assistant minority leader in the House of Representatives shall each appoint one member, with the concurrence of 2/3 vote of the House of Representatives. Each ~~such~~ member shall must be appointed in January ~~of each even-numbered year~~ as provided in this subsection, and shall serve a term of 2 years from the date of appointment or until a successor is appointed and qualified; and

2 C. The 6 8 members so appointed shall, by an affirmative
4 vote of at least 5 6 members, elect a 7th 9th member, who
6 shall act as chairman, and who shall serve a term of 2
8 years, or until a successor is appointed and qualified; and

10 D. The terms of the members of the commission must be
12 staggered. With respect only to the Senate appointments
14 that are made in 1992, the appointments shall serve until
16 January 1995. Thereafter, Senate appointments must be made
18 in January of each odd-numbered year. House appointments
20 must be made in January of each even-numbered year.

22 The appropriate appointing authority shall appoint members to
24 vacancies on the commission as they shall occur or upon
26 expiration of terms. Any vacancy shall must be filled for the
28 unexpired portion of the term in which such vacancy occurs.

30 **Sec. 2. 1 MRSA §1016-C is enacted to read:**

32 **§1016-C. Reports by legislative candidates**

34 A candidate, as defined in Title 21-A, section 1, subsection
36 5, for the Legislature who is not required to file a report under
38 section 1016-A or 1016-B shall file a report containing the same
40 information required of Legislators under sections 1016-A and
42 1016-B no later than 5 p.m. on the first Monday in August
44 preceding the general election unless the candidate withdraws
46 from the election in accordance with Title 21-A, section 374-A by
48 that date.

50 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

STATEMENT OF FACT

The purpose of this bill is to ensure equal representation
of both major political parties on the Commission on Governmental
Ethics and Election Practices. The assistant floor leader of
each house is authorized to appoint a member to the commission.
The Senate appointees of 1992 will serve until 1995, and
thereafter Senate appointments will be made in the odd-numbered
years. The purpose of this provision is to provide for staggered
terms to ensure that the commission is composed of some members
who have expertise and experience in legislative ethics.

The purpose of this bill is also to provide the public in an
election year with the income and liabilities of every
candidate. Currently, the reporting requirements governing

2 disclosure of income and liabilities apply only to people holding
3 a legislative office. If a candidate has not been required to
4 report income and liabilities to the Commission on Governmental
5 Ethics and Election Practices, the public has no knowledge of
6 that candidate's finances. This discrepancy is removed by this
7 bill.

8 Legislative candidates who are not required to report to the
9 commission by February 15th, must file this information with the
10 Commission on Governmental Ethics and Election Practices by 5
11 p.m. on the first Monday in August preceding the General
12 Election. A candidate is exempt from this requirement if the
13 candidate withdraws from the race by the date the filing is
14 required.