

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 322

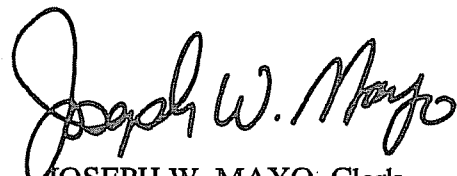
H.P. 243

House of Representatives, February 4, 1993

**An Act to Facilitate the Efforts of the Commission on Governmental  
Ethics and Election Practices to Provide Advisory Opinions.**

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Reference to the Committee on State and Local Government suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative GWADOSKY of Fairfield.

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

Sec. 1. 1 MRSA §1013, sub-§2, ¶A, as enacted by PL 1975, c. 621, §1, is amended to read:

A. Requests for advisory opinions by members of the Legislature shall must be filed with the commission in writing, signed by the Legislator requesting the opinion and shall must contain such supporting data as the commission shall ~~require~~ requires. When preparing an advisory opinion on ~~its~~ the commission's own motion, the commission shall notify the Legislator concerned and allow ~~him~~ the Legislator to provide additional information to the commission. In preparing an advisory opinion, either upon request or on ~~its~~ the commission's own motion, the commission may make such an investigation as ~~it~~ deems the commission determines necessary. A copy of the commission's advisory opinion shall must be sent to the Legislator concerned and to the presiding officer of the House of which the Legislator is a member~~;~~. Notwithstanding any other provision of law, including sections 401 to 410, the commission may adopt rules establishing a procedure for the issuance of advisory opinions by way of a conference call to a quorum of the members of the commission. Such rules, if adopted, must provide for notice to local representatives of the media of the time and place of the call; loudspeaker capability for the call and a room where members of the public may listen to the call. Any advisory opinion issued pursuant to such rules must be subject to discussion and ratification at the commission's next meeting.

#### STATEMENT OF FACT

This bill authorizes the commission to adopt rules to develop a procedure whereby advisory opinions could be issued by way of a conference call setup. Under existing freedom of access laws, such a conference call arrangement is not permissible. This bill allows the commission to adopt rules to set up a conference call and discuss and issue advisory opinions to a Legislator provided members of the local media have been given notice of the time and place of the conference call, there is loudspeaker capability for the call and the call takes place in a room that is adequate to allow members of the public to attend.