

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1237

S.P. 378

In Senate, February 25, 1997

**An Act to Require Legislators to Disclose Their Interest in Pending Legislation.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator LONGLEY of Waldo.  
Cosponsored by Senator PARADIS of Aroostook.

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

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4        **Sec. 1. 3 MRSA §25** is enacted to read:

6        **§25. Disclosure of interest in legislation**

8        **1. Formation of committee.** The Senate shall form the  
10        Senate Committee on Disclosure of Interest in Legislation,  
12        referred to in this section as the "committee," to provide a  
14        public forum for discussion with Senators who have an interest in  
16        legislation that is not classified by law as a conflict of  
18        interest under Title 1, section 1014, but that may raise  
20        questions of conflict of interest in the minds of the public.  
      The leadership of each political party holding leadership  
      positions in the Senate shall appoint 2 members to the  
      committee. If there is a political party or a group of  
      unaffiliated Senators who are not represented by those  
      appointments, that party or group shall appoint one additional  
      member to the committee. Meetings of the committee are public  
      meetings.

22        **2. Purpose and duties of committee.** The committee shall  
24        meet on a regular basis during legislative sessions, at times  
26        required to allow Senators to make timely disclosure of interest  
28        as required in this section. The purpose of the committee is to  
30        provide a public forum for Senators to disclose their interest in  
32        legislation and to assure the public that they are acting in the  
34        interest of the public, not their own interest, in voting on  
36        legislation. To achieve this purpose, the committee shall  
      request that the Senator disclose the Senator's interest in the  
      legislation, including the impact on the Senator of a positive or  
      negative vote on the legislation, demonstrate an understanding of  
      the issue and its impact on the public generally, and explain the  
      rationale for the Senator's proposed vote. The committee may not  
      rule on whether a conflict of interest exists, as defined in  
      Title 1.

38        **3. Disclosure to committee.** A Senator who has an interest  
40        in legislation relating to a profession, trade, business or  
42        employment in which the Senator or a member of the Senator's  
44        immediate family is engaged, but whose interest does not require  
46        abstention from voting under Title 1, section 1015, shall meet  
      with the committee to disclose that interest to the committee  
      before voting on that legislation in committee or in the Senate.  
      A Senator may meet with the committee to disclose any other  
      interest when the Senator believes disclosure serves the public  
      interest.

48        **4. Disclosure in Senate journal.** A Senator required by  
50        this section to disclose an interest in legislation to the  
      committee shall submit a brief written statement of that interest

2 for inclusion in the journal of the Senate for the day on which a  
3 final vote is taken on the legislation. The statement must  
4 include a statement that the Senator met with the committee as  
5 required by this section.

6 **Sec. 2. 3 MRSA §45** is enacted to read:

8 **§45. Disclosure of interest in legislation**

10 **1. Formation of committee.** The House shall form the House  
11 Committee on Disclosure of Interest in Legislation, referred to  
12 in this section as the "committee," to provide a public forum for  
13 discussion with House members who have an interest in legislation  
14 that is not classified by law as a conflict of interest under  
15 Title 1, section 1014, but that may raise questions of conflict  
16 of interest in the minds of the public. The leadership of each  
17 political party holding leadership positions in the House shall  
18 appoint 2 members to the committee. If there is a political  
19 party or a group of unaffiliated House members who are not  
20 represented by those appointments, that party or group shall  
21 appoint one additional member to the committee. Meetings of the  
22 committee are public meetings.

24 **2. Purpose and duties of committee.** The committee shall  
25 meet on a regular basis during legislative sessions, at times  
26 required to allow House members to make timely disclosure of  
27 interest as required in this section. The purpose of the  
28 committee is to provide a public forum for House members to  
29 disclose their interest in legislation and to assure the public  
30 that they are acting in the interest of the public, not their own  
31 interest, in voting on legislation. To achieve this purpose, the  
32 committee shall request that the House member disclose the  
33 member's interest in the legislation, including the impact on the  
34 member of a positive or negative vote on the legislation,  
35 demonstrate an understanding of the issue and its impact on the  
36 public generally, and explain the rationale for the member's  
37 proposed vote. The committee may not rule on whether a conflict  
38 of interest exists, as defined in Title 1.

40 **3. Disclosure to committee.** A House member who has an  
41 interest in legislation relating to a profession, trade, business  
42 or employment in which the House member or a member of that  
43 person's immediate family is engaged, but whose interest does not  
44 require abstention from voting under Title 1, section 1015, shall  
45 meet with the committee to disclose that interest to the  
46 committee before voting on that legislation in committee or in  
47 the House. A House member may meet with the committee to  
48 disclose any other interest when the member believes disclosure  
49 serves the public interest.

2        4. Disclosure in House journal. A House member required by  
3        this section to disclose an interest in legislation to the  
4        committee shall submit a brief written statement of that interest  
5        for inclusion in the journal of the House for the day on which a  
6        final vote is taken on the legislation. The statement must  
7        include a statement that the House member met with the committee  
8        as required by this section.

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#### SUMMARY

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13        This bill requires the House and the Senate to establish  
14        committees to allow Legislators to publicly disclose their  
15        interest in legislation when that interest does not disqualify  
16        the Legislator from voting, but may raise questions about  
17        conflict of interest in the minds of the public.

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