

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 648

S.P. 226

In Senate, January 26, 1999

**An Act Related to Legislator Intervention in Actions Before a State
Agency or Authority.**

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 CAREY of Kennebec.
Cosponsored by Representative: MACK of Standish.

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

2 **Sec. 1. 1 MRSA §1014, sub-§2**, as enacted by PL 1975, c. 621,
4 §1, is amended to read:

6 **2. Undue influence.** It is presumed that a conflict of
8 interest exists where there are circumstances ~~which~~ that involve
10 a substantial risk of undue influence by a Legislator, including
12 but not limited to the following cases:

14 A. Appearing for, representing or assisting another in a
16 matter before a state agency or authority, unless without
18 compensation and for the benefit of a ~~constituent~~
20 constituent, except for attorneys or other professional
22 persons engaged in the conduct of their professions.

24 (1) Even in the excepted cases, an attorney or other
26 professional person must refrain from references to ~~his~~
28 the professional's legislative capacity, from
30 communications on legislative stationery and from
32 threats or implications relating to legislative action;

34 B. Representing or assisting another in the sale of goods
36 or services to the State, a state agency or authority,
38 unless the transaction occurs after public notice and
40 competitive bidding; or

42 C. Intervening in an action before a state agency or
authority, whose membership is composed of board or
commission members who are confirmed to their positions by
the legislative committee of jurisdiction on which the
Legislator sits. Attorneys and other professional persons
engaged in the conduct of their business are not excepted
from this paragraph.

SUMMARY

This bill makes it a conflict of interest for a Legislator
to intervene in an action before a state agency or authority
whose members are appointed by the legislative committee on which
the Legislator serves.