

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 6

H.P. 9

House of Representatives, January 7, 2015

**Resolve, To Implement Recommendations of the Government  
Oversight Committee To Strengthen the Ethics Practices and  
Procedures for Executive Branch Employees**

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Reported by Representative KRUGER of Thomaston for the Government Oversight Committee pursuant to the Maine Revised Statutes, Title 3, section 997, subsection 2.

Reference to the Committee on State and Local Government suggested and ordered printed pursuant to Joint Rule 218.

*Robert B. Hunt*

ROBERT B. HUNT  
Clerk

1       **Sec. 1. Consolidation of ethics standards for state employees. Resolved:**  
2       That the Department of Administrative and Financial Services, referred to in this resolve  
3       as "the department," shall develop a consolidated code of ethics and conduct for state  
4       employees, referred to in this resolve as "the code," along with legislation required to  
5       implement the code. As used in this resolve, "state employee" means any regular  
6       classified or unclassified officer or employee of the executive branch.

7       In developing the code, the department shall incorporate, as appropriate:

8       1. Recommendations contained in "Report on Ethics Laws for Executive Branch  
9       Employees" prepared by the Commission on Governmental Ethics and Election Practices  
10      and published in December 2009;

11      2. Standards of ethics and conduct that exist in statute, executive order, the state  
12      administrative and accounting manual and state agency policies, including standards for  
13      information technology use and personnel policies;

14      3. Standards to address ethical situations not addressed in the existing standards,  
15      including but not limited to gifts, personal and business relationships affecting  
16      impartiality, post-state employment, use of government property and conflicting outside  
17      employment and activities;

18      4. Standards regarding employee ethics and guidance adopted for employees of the  
19      Federal Government and other states; and

20      5. Input from the Commission on Governmental Ethics and Election Practices and  
21      other relevant organizations with expertise in the development and maintenance of ethics  
22      policies and standards; and be it further

23      **Sec. 2. Code training and communications. Resolved:** That the department  
24      shall develop and implement a training and communications plan to increase the  
25      awareness and accountability of state employees regarding the code. The plan must  
26      provide for clear and regular communications to state employees; accessible formal and  
27      informal guidance documents, including plain language explanations; and ongoing  
28      training opportunities for state employees. The department shall consider incorporating in  
29      the plan a mechanism for periodic confirmation of awareness of the standards in the code  
30      by individual state employees. The plan must be developed in conformity with the  
31      applicable recommendations contained in "Report on Ethics Laws for Executive Branch  
32      Employees" prepared by the Commission on Governmental Ethics and Election Practices  
33      and published in December 2009; and be it further

34      **Sec. 3. Code guidance and reporting avenues. Resolved:** That the  
35      department shall establish and implement clear avenues and procedures for state  
36      employees to seek guidance regarding the code and to report potential violations of the  
37      code. The procedures must include provisions for confidential reporting; and be it further

38      **Sec. 4. Report. Resolved:** That the department shall submit an interim report to  
39      the Government Oversight Committee no later than October 1, 2015 describing the status  
40      of the work undertaken to that date pursuant to this resolve. The report must include, but

is not limited to, a timeline that establishes specific dates for completion of work required by the resolve. The department shall submit a final report documenting its work pursuant to this resolve, together with implementing legislation, to the Government Oversight Committee and the Joint Standing Committee on State and Local Government not later than December 1, 2015. The Government Oversight Committee is authorized to submit legislation related to the report to the Second Regular Session of the 127th Legislature; and be it further

**Sec. 5. Recommendation for legislative branch. Resolved:** That the Government Oversight Committee, based on the final report provided to the committee by the department pursuant to section 4, may recommend a similar consolidated code of ethics and conduct and related procedures to the Legislative Council for use by the Legislature.

## SUMMARY

This resolve implements the recommendations of the Government Oversight Committee stemming from 2 reports of the Office of Program Evaluation and Government Accountability: "Public Utilities Commission" and "Healthy Maine Partnerships' FY13 Contracts and Funding." The resolve directs the Department of Administrative and Financial Services to take certain steps to strengthen the ethics standards and practices for executive branch employees by developing a consolidated code based in part on recommendations contained in a December 2009 report to the Legislature from the Commission on Governmental Ethics and Election Practices entitled "Report on Ethics Laws for Executive Branch Employees." This resolve also requires the department to implement procedures for employees to seek guidance on ethics and to report potential ethics violations. The committee also is authorized to recommend to the Legislative Council a similar code of ethics and conduct for use by the Legislature.