

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

**SECOND REGULAR SESSION**

January 2, 1980 to April 3, 1980

AND AT THE

**THIRD SPECIAL SESSION**

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

---

K. J. Printing Co.  
Augusta, Maine

---

---

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED AT THE  
**SECOND REGULAR SESSION**  
of the  
ONE HUNDRED AND NINTH LEGISLATURE  
January 2, 1980 to April 3, 1980

---

---

**Sec. 21.** 34 MRSA § 815, as enacted by PL 1975, c. 756, § 20, is amended to read:

**§ 815. Care of children of inmates and prisoners**

If any woman is, at the time of her commitment to the center, pregnant with child which will be born after such commitment, the custody of the child at instance of the department shall be determined in accordance with Title 22, ~~chapter 1055~~ **sections 4031, et seq.**

**Sec. 22. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1980-81
JUDICIAL DEPARTMENT	
Personal Services	\$ 300
All Other	37,800
	Total
	\$38,100

Effective July 3, 1980

**CHAPTER 734**

**H. P. 1774 — L. D. 1877**

**AN ACT to Clarify the Provisions Relating to Executive Conflict of Interest and to Establish Financial Disclosure Requirements for Policy-making Executive Employees.**

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

**Sec. 1.** 5 MRSA § 15, as last amended by PL 1977, c. 696, §§ 31 and 32, is repealed.

**Sec. 2.** 5 MRSA §§ 18 and 19 are enacted to read:

**§ 18. Disqualification of executive employees from participation in certain matters**

**1. Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

**A. “Constitutional officers”** means the Attorney General, Secretary of State and Treasurer of State.

**B. “Executive employee”** means the constitutional officers, the State Auditor

and compensated members of the classified or unclassified service employed by the Executive Branch, but it shall not include:

- (1) The Governor;
- (2) Employees of and members serving with the National Guard;
- (3) Employees of the University of Maine, the Maine Maritime Academy and State vocational-technical institutes; and
- (4) Employees who are employees solely by their appointment to an advisory body.

C. "Participate in his official capacity" means to take part in reaching a decision or recommendation in a proceeding that is within the authority of the position he holds.

D. "Proceeding" means a proceeding, application, request, ruling, determination, award, contract, claim, controversy, charge, accusation, arrest or other matter relating to governmental action or inaction.

2. Executive employee. An executive employee commits a civil violation if he personally and substantially participates in his official capacity in any proceeding in which, to his knowledge, any of the following have a direct and substantial financial interest:

- A. Himself, his spouse or his dependent children;
- B. His partners;
- C. A person or organization with whom he is negotiating or has agreed to an arrangement concerning prospective employment;
- D. An organization in which he has a direct and substantial financial interest; or
- E. Any person with whom he has been associated as a partner or a fellow shareholder in a professional service corporation pursuant to Title 13, chapter 22, during the preceding year.

3. Former executive employee. A former executive employee commits a civil violation if he, within one year after his employment has ceased, either knowingly acts as an agent or attorney for, or appears personally before, a state or quasi-state agency for anyone other than the State in connection with a proceeding in which:

- A. The State is a party or has a direct and substantial interest; and
- B. The particular matter at issue was pending before his agency and was

directly within his official responsibilities as an executive employee at any time within one year prior to the termination of his employment.

4. Construction of section. This section may not be construed to prohibit former state employees from doing personal business with the State. This section shall not limit the application of any provisions of Title 17-A, chapter 25.

5. Penalty. A violation of this section is a civil violation for which a forfeiture of not more than \$1,000 may be adjudged.

#### § 19. Financial disclosure by executive employees

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Appointed executive employee" means a compensated member of the classified or unclassified service employed by the Executive Branch, who is appointed by the Governor and confirmed by the Legislature.

B. "Constitutional officers" means the Governor, Attorney General, Secretary of State and Treasurer of State.

C. "Elected executive employee" means the constitutional officers and the State Auditor.

D. "Executive employee" means an appointed executive employee or an elected executive employee.

E. "Income" means economic gain from any source, including compensation for services, including fees, commissions and payments in kind; income derived from business; gains derived from property transactions, rents or royalties; income from investments, including interest, capital gains and dividends; alimony or separate maintenance payments; annuities; income from life insurance or endowment contracts; pensions; discharges of indebtedness; distributive share of partnership income; income from an interest in an estate or trust; and prizes, awards, grants or gifts.

2. Statement of sources of income. Each executive employee shall annually file with the Secretary of State a sworn and notarized statement of finances for the preceding calendar year. The statement shall indicate:

A. The category or type of entity or economic activity that is the source of income to him, his spouse or dependent children that exceeds \$300 during the year; and

B. If he is an attorney, the major areas of practice, and if associated with a law firm, the major areas of the firm's practice.

3. Time for filing.

**A. An elected executive employee shall file an initial report within 30 days of his election. An appointed executive employee shall file an initial report prior to confirmation by the Legislature.**

**B. Each executive employee shall file the annual report prior to the close of the 2nd week in April, inless he has filed an initial or updating report during the preceding 30 days.**

**C. Each executive employee whose income substantially changes shall file a report of that change within 30 days of it.**

**4. Penalties. Failing to file the statement, within 15 days of having been notified by the Secretary of State of failing to meet the requirements of subsection 2, is a civil violation for which a forfeiture of not more than \$100 may be adjudged.**

**5. Rules. The Secretary of State may adopt or amend rules to specify the reportable categories or types and the procedures and forms for reporting and to administer this section.**

**6. Public record. Statements filed under this section are public records.**

**Sec. 3. 5 MRSA § 307, as last amended by PL 1973, c. 622, § 5, is further amended to read:**

**§ 307. Interest in contracts prohibited**

**In addition to the limitations of section 18, ~~NO~~ no employee of the Department of Finance and Administration or member of the commission shall be interested directly or indirectly in any contract or contracts calling for the construction or improvements of facilities, buildings and grounds in the Capitol Area in the City of Augusta as described in Title 1, section 814.**

**Sec. 4. 5 MRSA § 1061, sub-§ 5 is amended to read:**

**5. Trustees and employees not to have interest in investments. Except as otherwise provided, in addition to the limitations of section 18, no trustee and no employee of the board of trustees shall have any direct interest in the gains or profits of any investment made by the board; nor shall any trustee or employee of the board, directly or indirectly, for himself or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the board; nor shall any trustee or employee of the board become an indorser or surety; or in any manner an obligor, for moneys loaned to or borrowed from the board.**

**Sec. 5. 5 MRSA § 5009, as enacted by PL 1975, c. 587, § 5, is amended to read:**

**§ 5009. Restrictions on employee interests**

**In addition to the limitations of section 18, ~~NO~~ no member, officer or employee**

of the Office of Energy Resources shall acquire any interest, direct or indirect, in any contract or proposed contract negotiated or proposed by the Office of Energy Resources, nor shall any member, officer or employee participate in any decision or any contract entered into by the authority if he or she has an interest, direct or indirect, in any firm, partnership, corporation or association which will be party to such contract or financially involved in any transaction with the authority.

**Sec. 6. 7 MRSA § 2952, first ¶, 2nd sentence,** as repealed and replaced by PL 1975, c. 517, § 1, is amended to read:

**In addition to the limitations of Title 5, section 18, ~~None~~ none** of the remaining 4 members of the commission shall at the time of appointment or while serving as a member of the commission, and no employee of the commission shall have any official business, other than retail purchases of milk, or professional connection or relation with, or hold any interest or stock or securities in, any producer, dealer, store or other person whose activities are subject to the jurisdiction of the commission; nor shall any member or employee of the commission render any professional or other service against any such producer, dealer, store or other person whose activities are subject to the jurisdiction of the commission or be a member of a firm which shall render any such service.

**Sec. 7. 9-B MRSA § 213, sub-§ 3** is enacted to read:

**3. Additional limitations. The provisions of this section shall be in addition to the limitations of Title 5, section 18.**

**Sec. 8. 10 MRSA § 865,** as enacted by PL 1977, c. 489, § 12, is amended to read:

**§ 865. Conflicts of interest**

**In addition to the limitations of Title 5, section 18, ~~No~~ no** member of the authority shall participate in any decision on any contract entered into by the authority under this chapter if he has any interest, direct or indirect, in any firm, partnership, corporation or association which may be a party to such contract, or if he has any interest, direct or indirect, in any firm, partnership, corporation or association which is a user of any project to be financed pursuant to or in connection with such contract.

**Sec. 9. 22 MRSA § 314,** as enacted by PL 1977, c. 687, § 1, is amended to read:

**§ 314. Conflict of interest**

**In addition to the limitations of Title 5, section 18, ~~Any~~ a** member or employee of the Department of Human Services or Health Systems Agency who has a substantial economic or fiduciary interest which would be affected by a recommendation or decision to issue or deny a certificate of need, or who has a close relative or economic associate whose interest would be so affected shall be



ineligible to participate in the review, recommendation or decision making process with respect to any application for which the conflict of interest exists.

**Sec. 10. 28 MRSA § 60, 2nd sentence**, as enacted by PL 1975, c. 741, § 4, is amended to read:

**In addition to the limitations of Title 5, section 18, Neither neither** the commission, nor any employee, shall accept directly or indirectly any samples, gratuities, favors or anything of value from a manufacturer, seller, brewer or licensee or any representative of the same under circumstances which might reasonably be construed as influencing or improperly relating to past, present or future performance of his official duties.

**Sec. 11. 29 MRSA § 1517, sub-§ 1** is amended by adding after the first sentence a new sentence to read:

**These rules shall be in addition to the limitations as they apply to state employees under Title 5, section 18.**

**Sec. 12. 30 MRSA § 4603, last sentence**, as repealed and replaced by PL 1975, c. 625, § 14, is amended to read:

Any violation of this section ~~shall constitute a misdemeanor~~ **is a Class E crime. The provisions of this section are in addition to the limitations of Title 5, section 18.**

**Sec. 13. 30 MRSA § 5330**, as last amended by PL 1979, c. 324, § 13, is further amended by adding after the first paragraph a new paragraph to read:

**The provisions of this section shall be in addition to limitations of Title 5, section 18.**

**Sec. 14. 35 MRSA § 2, first sentence** is amended to read:

**In addition to the limitations of Title 5, section 18, No no** member or employee of said commission shall have any official or professional connection or relation with or hold any stock or securities in any public utility, as defined in section 15, operating within this State, nor shall he render any professional service against any such public utility nor shall he be a member of a firm which shall render any such service.

**Sec. 15. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1980-81

STATE, DEPARTMENT OF  
SECRETARY OF STATE

Personal Services

\$4,000

All Other	1,100
Capital Expenditures	150
	<hr/>
Total	\$5,250

Effective July 3, 1980

---

---

## CHAPTER 735

H. P. 1973 — L. D. 2012

### AN ACT Increasing the Minimum Handling Fee for Returnable Beverage Containers from 1¢ to 2¢.

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

32 MRSA § 1866, sub-§ 4, as enacted by PL 1975, c. 739, § 16, is amended to read:

4. **Reimbursement by distributor.** In addition to the payment of the refund value, the distributor shall reimburse the dealer or local redemption center for the cost of handling beverage containers, in an amount which equals at least ~~1¢~~ 2¢ per returned container.

Effective July 3, 1980

---

---

## CHAPTER 736

H. P. 1797 — L. D. 1919

### AN ACT Relating to Games of Chance at Agricultural Fairs.

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

Sec. 1. 17 MRSA § 331, sub-§ 2-A is enacted to read:

2-A. **Games of chance at agricultural fairs.** The Chief of the State Police may issue a license to hold, conduct or operate the game of chance commonly known as "penny falls" or "quarter falls" at any agricultural fair.

Sec. 2. 17 MRSA § 332, sub-§ 4, as enacted by PL 1977, c. 350, § 4, is repealed and the following enacted in its place: