

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

APPENDIX

LEGISLATIVE RECORD

of the

**One Hundred and
Seventh Legislature**

First Special Session

Legislative Ethics Committee

MEMORANDUM

STOCKS AND BONDS

MEMORANDUM

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• EDWIN H. PERT

Clerk

MAINE

• HOUSE of REPRESENTATIVES

Augusta, Maine 04333

3 MRSA, Section 381-A, placed upon the Clerk of the House certain responsibilities relating to the Legislative Ethics Committee.

Under subsection H of Section 381-A it provided:

"A copy of the committee's advisory opinions and guidelines, with such deletions and changes as the committee deems necessary to protect the identity of the person seeking the opinions, or others, shall be filed with the Clerk of the House. The clerk shall keep them in a special binder and shall finally publish them in the Legislative Record. The committee may exempt an opinion or a part thereof from release, publication or inspection, if it deems such action appropriate for the protection of 3rd parties and makes available to the public an explanatory statement to that effect."

Under subsection I of Section 381-A, it further provided:

"A copy of the committee's findings of fact and opinions regarding complaints against Legislators shall also be filed with the Clerk of the House. The clerk shall keep them in a special binder and shall finally publish them in the Legislative Record."

Pursuant to these provisions of Title 3, communications dated March 6, 1975; March 24, 1975; April 11, 1975; April 16, 1975; May 20, 1975; June 6, 1975; and June 16, 1975; are respectfully submitted.

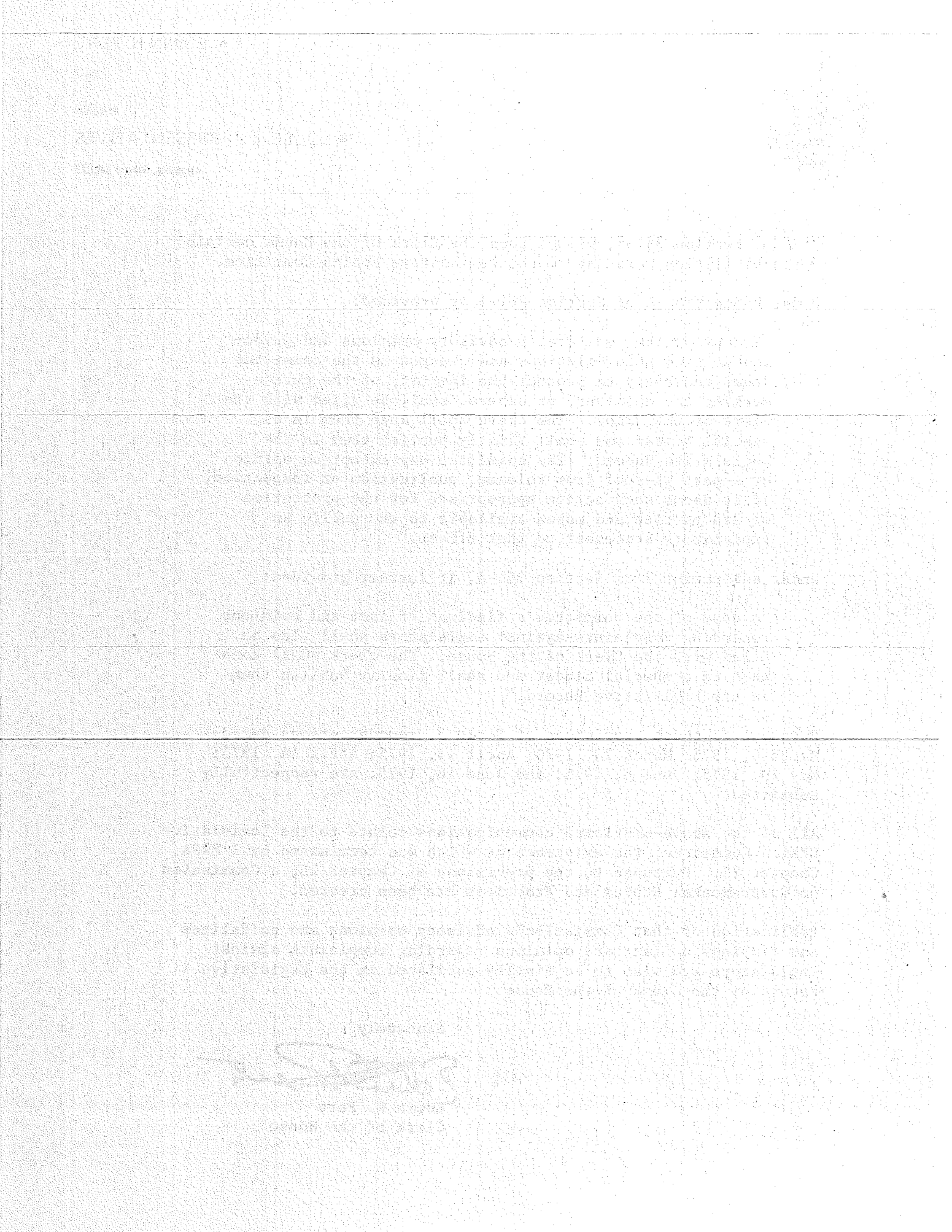
All of the above-mentioned communications relate to the Legislative Ethics Committee, the existence of which was terminated by 1 MRSA, Chapter 25. Pursuant to the provisions of Chapter 25, a Commission on Governmental Ethics and Practices has been created.

Publication of that Commission's advisory opinions and guidelines and findings of fact and opinions regarding complaints against legislators are also to be finally published in the Legislative Record by the Clerk of the House.

Sincerely

A handwritten signature in dark ink, appearing to read 'Edwin H. Pert'.

Edwin H. Pert
Clerk of the House



COPY
LEGISLATIVE ETHICS COMMITTEE

March 6, 1975

Honorable Nancy Randall Clark
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Clark:

This is to inform you that the Committee on Legislative Ethics met on March 5 pursuant to your request of February 27 relative to your position regarding L. D. 698, "AN ACT to Amend the Municipal Public Employers Labor Relations Law."

It is the opinion of the Committee on Legislative Ethics that since there is no financial gain on your part, this is not a matter within the purview of the Committee.

Sincerely,

JOSEPH SEWALL
Chairman
Committee on Legislative Ethics

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LEGISLATIVE ETHICS COMMITTEE

March 24, 1975

Honorable John M. Norris, II
House of Representatives
State House
Augusta, Maine 04330

Dear Representative Norris:

In response to your letter of March 17 signed also by Representative Thomas R. Perkins and Representative Raymond N. Faucher, enclosed please find the advisory opinion of the Committee on Legislative Ethics to Representative Patrick T. Jackson, Jr.

The Committee finds that you are in the same position and, therefore, would not have a conflict of interest in regard to L. D. 327, "AN ACT to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing."

Sincerely,

JOSEPH SEWALL
Chairman
Committee on Legislative Ethics

Enclosure

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LEGISLATIVE ETHICS COMMITTEE

March 20, 1975

Honorable Patrick T. Jackson, Jr.
House of Representatives
State House
Augusta, Maine 04330

Dear Representative Jackson:

In response to your request of March 13 for an advisory opinion from the Committee on Legislative Ethics as to whether you have a conflict of interest on L. D. 327, "AN ACT to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing," it is the opinion of the Committee that you do not have a conflict of interest under the provisions set forth in 3 M.R.S.A., Section 382.

In general, under existing statutory provisions, a conflict of interest would apply in your circumstance only if:

a. you had a "direct substantial personal financial interest, distinct from that of the general public, in an enterprise which would be financially benefited by proposed legislation," (Section 382.1.A) or

b. the benefit derived by you from proposed legislation would be "unique and distinct from that of the general public or persons engaged in similar professions." (Section 382.1.F)

The Committee feels that you are not in either position.

Therefore, it is the opinion of the Committee on Legislative Ethics that nothing under ex-

isting statutory provisions precludes you from voting on or becoming involved in the outcome of L. D. 327.

Sincerely,

JOSEPH SEWALL
Chairman
Committee on Legislative Ethics
JOHN L. MARTIN

GERARD P. CONLEY
LINWOOD E. PALMER
NEIL ROLDE
JERROLD B. SPEERS

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LEGISLATIVE ETHICS COMMITTEE

April 11, 1975

Honorable David R. Ault
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Ault:

In response to your request of April 7 for an advisory opinion from the Committee on Legislative Ethics as to whether you have a conflict of interest on L. D. 1172, "AN ACT to Increase the Veterans Property Tax Exemption," it is the opinion of the Committee that you do not have a conflict of interest under the provisions set forth in 3 M.R.S.A., Section 382.

Under Section 382.1.A, a conflict of interest would exist if you had a "direct substantial personal financial interest, distinct from that of the general public, in an enterprise which would be financially benefited by proposed legislation." The Committee feels that the fact you are a veteran of the Korean War and, therefore at age 62 would be eligible for a property tax exemption does not constitute "an enterprise" as meant in this section.

Therefore, it is the opinion of the Committee on Legislative Ethics that nothing under existing statutory provisions precludes you from voting on or becoming involved in the outcome of L. D. 1172.

Sincerely,

JOSEPH SEWALL
Chairman
Committee on Legislative Ethics

JOHN L. MARTIN
GERARD P. CONLEY
LINWOOD E. PALMER, JR.
NEIL ROLDE
JERROLD B. SPEERS

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LEGISLATIVE ETHICS COMMITTEE

April 16, 1975

Honorable Leon G. Bowie
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Bowie:

In response to your request of April 14 for an advisory opinion from the Committee on Legislative Ethics as to whether you have a conflict of interest on L. D. 1195, "AN ACT Regulating Water Well Construction," it is the opinion of the Committee that you do have an apparent conflict of interest under the provisions set forth in 3 M.R.S.A. Section 382.

Generally, under existing statutory provisions, a conflict of interest applies in your circumstance if you have a "direct substantial personal financial interest, distinct from that of the general public, in an enterprise which would be financially benefited by proposed legislation." (Section 382.1.A)

Although in the information you supplied you do not address yourself to the financial impact this legislation would have on your business, it appears to the Committee that L. D. 1195 could have a significant or measurable effect on an enterprise in which you have a "direct substantial personal financial interest." As a result,

Section 382.1.A would apply to your particular case as a person engaged in the well drilling business.

Therefore, it is the opinion of the Committee on Legislative Ethics that existing statutory provisions preclude you from voting on or becoming involved in the outcome of L. D. 1195.

Sincerely,

JOSEPH SEWALL
Chairman
Committee on Legislative Ethics
JOHN L. MARTIN

GERARD P. CONLEY
LINWOOD E. PALMER, JR.
NEIL ROLDE
JERROLD B. SPEERS

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LEGISLATIVE ETHICS COMMITTEE

May 20, 1975

Honorable Stephen T. Hughes
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Hughes:

In response to your request of February 12 for an advisory opinion from the Committee on Legislative Ethics as to whether you have a conflict of interest on L. D. 913, "AN ACT to Require Returnable Beverage Containers," it is the opinion of the Committee that you do not have a conflict of interest under the provisions set forth in 3 M.R.S.A. Section 382.

In general, under existing statutory provisions, a conflict of interest would apply in your circumstance only if:

a. you had a "direct substantial personal financial interest, distinct from that of the general public, in an enterprise which would be financially benefited by proposed legislation," (Section 382.1.A) or

b. the benefit derived by you from proposed legislation would be "unique and distinct from that of the general public or persons engaged in similar professions, trades, businesses or employment." (Section 382.1.F)

The Committee feels that while you do own 350 shares of common stock of the Coca Cola Bottling Plants, Inc., you do not have a sizable enough interest in this company or in Coca Cola to constitute a conflict of interest. Furthermore, your position is obviously no different from any other person who owns common stock in a bottling or soft drink enterprise.

Therefore, it is the opinion of the Committee on Legislative Ethics that nothing in the existing statutory provisions precludes you from voting on or becoming involved in the outcome of the legislation to require returnable beverage containers.

Sincerely,

JOSEPH SEWALL
Chairman
Committee on Legislative Ethics

JOHN L. MARTIN
GERARD P. CONLEY
LINWOOD E. PALMER, JR.
NEIL ROLDE
JERROLD B. SPEERS

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LEGISLATIVE ETHICS COMMITTEE

June 6, 1975

Honorable Patrick T. Jackson, Jr.
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Jackson:

In response to your request of May 20 for an advisory opinion from the Committee on Legislative Ethics as to whether you have a conflict of interest on L. D. 778, "AN ACT

Establishing Educational Requirements for Licensing of Real Estate Brokers", it is the opinion of the Committee that you do not have a conflict of interest under the provisions set forth in 3 M.R.S.A. Section 382.

In general, under existing statutory provisions, a conflict of interest would apply in your circumstances only if:

a. you had a "direct substantial personal financial interest, distinct from that of the general public, in an enterprise which would be financially benefited by proposed legislation," (Section 382.1.A) or

b. the benefit derived by you from proposed legislation would be "unique and distinct from that of the general public or persons engaged in similar professions." (Section 382.1.F)

The Committee feels that pursuant to Section 382.1.A, L. D. 778 clearly would not have a significant or measurable financial effect on you as a real estate broker. Regarding Section 382.1.F, your position is not different than other persons engaged in the real estate field.

Therefore, it is the opinion of the Committee on Legislative Ethics that nothing under existing statutory provisions precludes you from voting on or becoming involved in the outcome of L. D. 778.

Sincerely,

JOSEPH SEWALL
Chairman
Committee on Legislative Ethics
JOHN L. MARTIN
GERARD P. CONLEY
LINWOOD E. PALMER, JR.
NEIL ROLDE
JERROLD B. SPEERS

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LEGISLATIVE ETHICS COMMITTEE

June 16, 1975

Honorable John W. Jensen
House of Representatives
State House
Augusta, Maine 04330

Dear Representative Jensen:

In response to your request of May 23 for an advisory opinion from the Committee on Legislative Ethics as to whether you have a conflict of interest on L. D. 1794, "AN ACT Relating to the Statutes Concerning Charitable Solicitations," it is the opinion of the Committee that you do not have a conflict of interest under the provisions set forth in 3 M.R.S.A. Section 382.

In general, under existing statutory provisions, a conflict of interest would apply in your circumstances only if:

a. you had a "direct substantial personal financial interest, distinct from that of the general public, in an enterprise which would be financially benefited by proposed legislation," (Section 382.1.A) or

b. the benefit derived by you from proposed legislation would be "unique and distinct from that of the general public or persons engaged in similar professions, trades, businesses or employment." (Section 382.1.F)

The Committee feels that while you are employed by a non-profit charitable institution, L. D. 1794 if enacted would not have a significant or measurable financial effect on you even though your duties are primarily in the fund raising area. Furthermore, regarding Section 382.1.F, your position is clearly not different from that of any other person engaged in a similar type of employment.

Therefore, it is the opinion of the Committee on Legislative Ethics that nothing under existing statutory provisions precludes you from voting on or becoming involved in the outcome of L. D. 1794.

Sincerely,

JOSEPH SEWALL
Chairman
Committee on Legislative Ethics
JOHN L. MARTIN
GERARD P. CONLEY
LINWOOD E. PALMER, JR.
NEIL ROLDE
JERROLD B. SPEERS