

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**1978**

**Second Regular Session**

January 4, 1978 — April 6, 1978

INDEX

**Senate Confirmation Session**

June 14, 1978

INDEX

**First Special Session**

September 6, 1978 — September 15, 1978

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**Second Special Session**

October 18, 1978

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**Third Special Session**

December 6, 1978

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APPENDIX

**LEGISLATIVE RECORD**

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APPENDIX

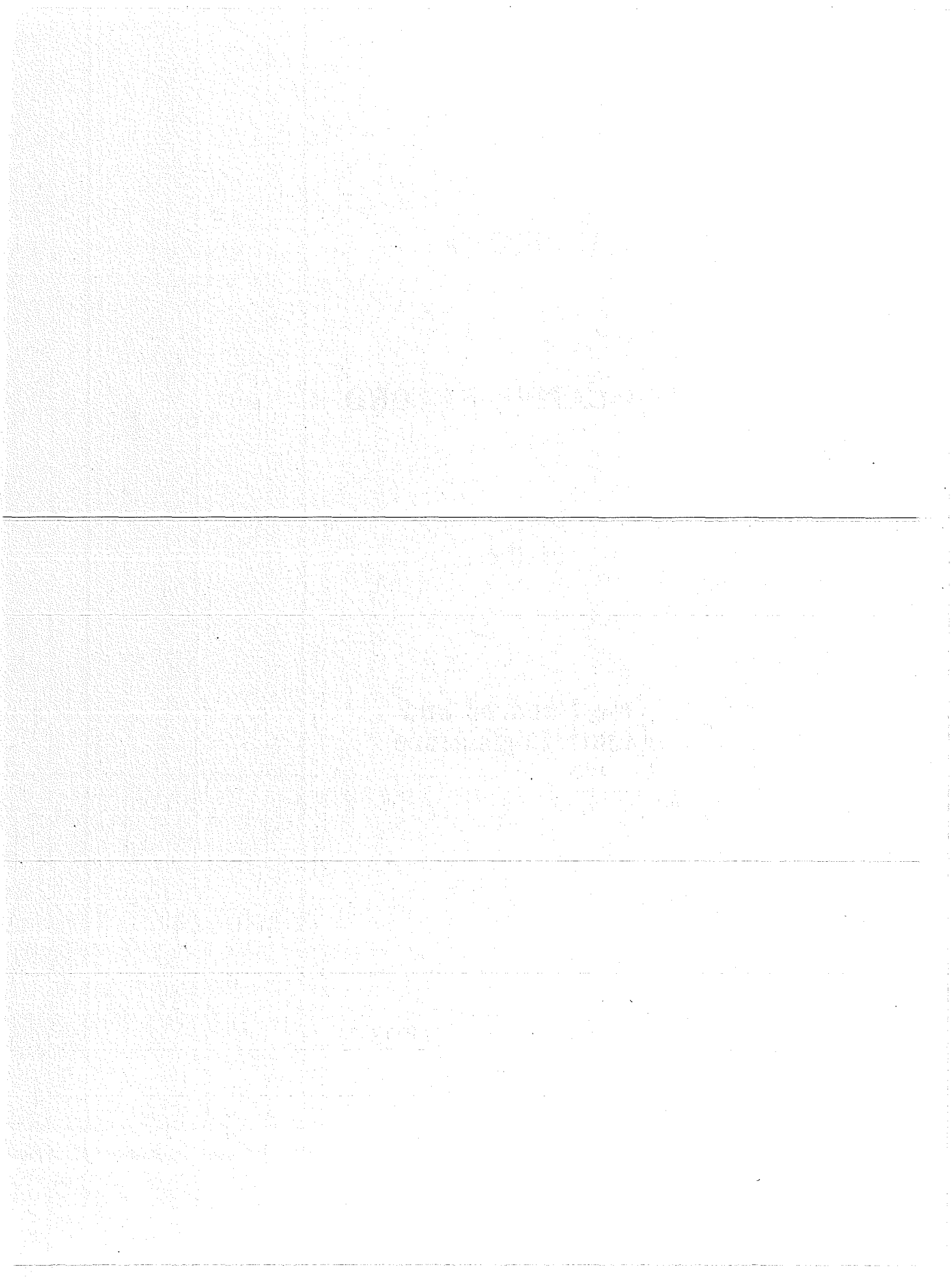
**APPENDIX**

**LEGISLATIVE RECORD**

**of the**

**One Hundred and  
Eighth Legislature**

**Commission on Governmental Ethics  
and Election Practices**





• EDWIN H. PERT

Clerk

MAINE

• HOUSE of REPRESENTATIVES

Augusta, Maine 04333

Title I, Maine Revised Statutes Annotated, Chapter 25 (1975 Public Laws, Chapter 621) provides for a Commission on Governmental Ethics and Election Practices, "an independent commission on governmental ethics and election practices to guard against corruption or undue influencing of the election process and against acts or the appearance of misconduct by Legislators."

Pursuant to the provisions of the law,

A copy of the commission's advisory opinions and guidelines, with such deletions and changes as the commission 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.

A copy of the commission'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.

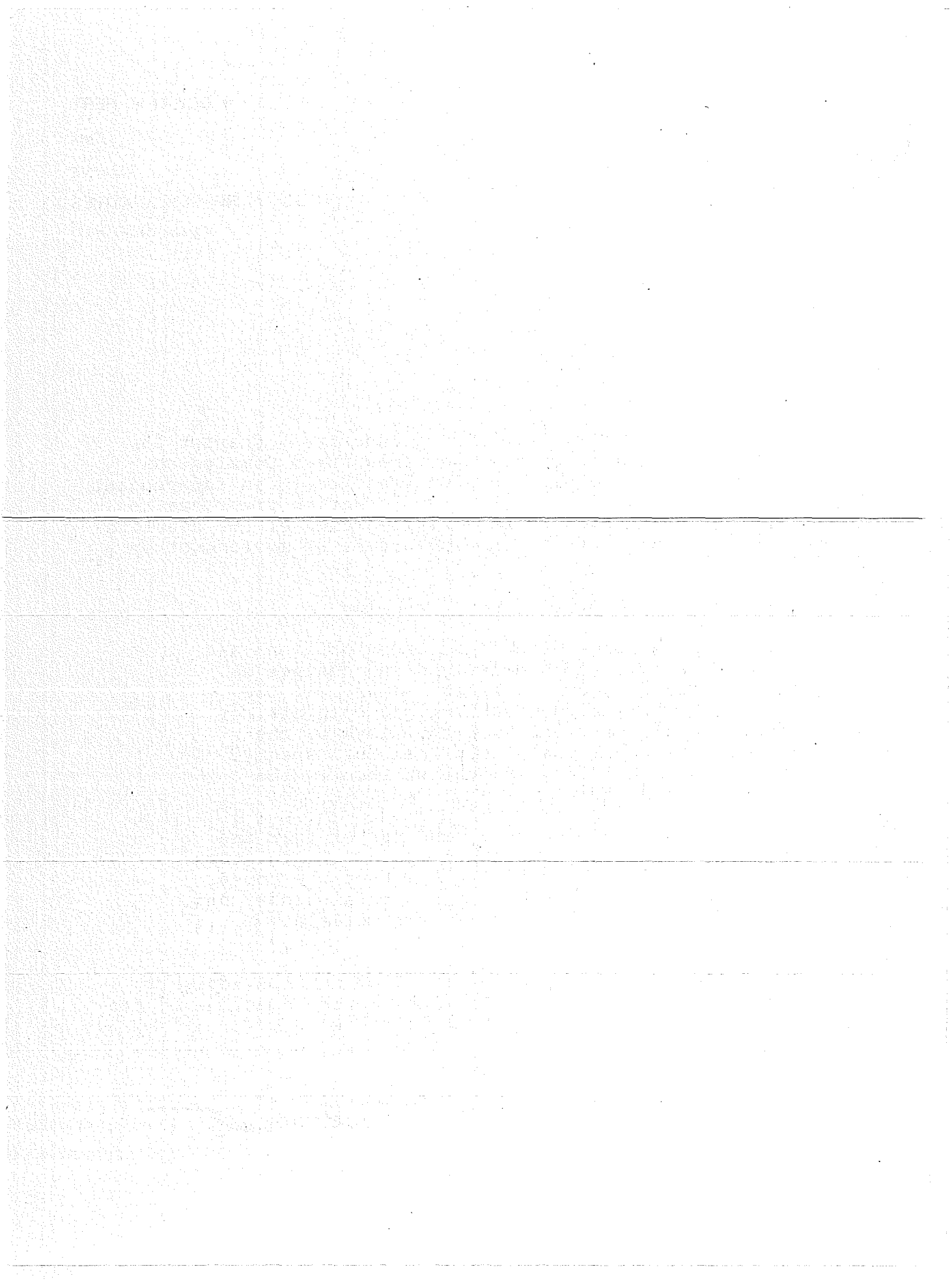
The following are copies of the Commission's advisory opinions received by me since the publication deadline of the Legislative Record of the 107th Legislature.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Edwin H. Pert'.

Edwin H. Pert  
Clerk of the House

EHP/m



COMMISSION ON GOVERNMENTAL  
ETHICS AND ELECTION PRACTICES

May 18, 1976

Honorable David R. Ault  
Wayne,  
Maine 04284

Dear Representative Ault:

This responds to your request for advice as to whether any conflict exists in your serving as a special assistant in charge of a Maine Congressman's office.

At its meeting of May 13, 1976, the Commission reviewed your request and found no conflict. That finding was based on the following facts.

The Commission determined that such employment as a member of the staff of a congressman would not appear to create either a personal financial interest in the United States government or the potential of personal financial benefit regarding matters which may be subject to State legislation. 1 M.R.S.A. Section 1014. Additionally, it does not appear that there would be any other inherent conflicts or undue influence which naturally would result from a State legislator's holding both positions addressed by this opinion. One could conceive of special and unusual factual situations where such conflicts might arise, but if such conflicts did arise, and we do not suggest that they will, then the Legislator in question could refrain from voting on measures subject to that particular conflict.

With the caveat just stated, however, the Commission concluded there is no conflict of interest in a member of the Legislature serving as a staff employee of a United States Congressman.

Additionally, we are advised that the Attorney General has determined that there is no incompatibility between the Legislative office and the employment in question.

Sincerely,  
Madeleine R. Freeman,  
Chairman  
13 Glenwood Street  
Orono, Maine 04473

COMMISSION ON GOVERNMENTAL  
ETHICS AND ELECTION PRACTICES

State House, Augusta, Maine 04333

June 28, 1976

The Honorable Lawrence P. Greenlaw, Jr.  
Stonington, Maine 04681

Dear Representative Greenlaw:

We have received your letter of June 16, 1976, requesting an opinion as to conflict of interest matters. We have subsequently received a copy of a letter to you from the Attorney General's Office indicating their view that there is no conflict as a matter of law.

The Commission has not had an opportunity to meet to discuss this matter. However, each Commissioner has reviewed your request and I have been authorized by the Commissioners to advise you that, on reviewing the facts, we tentatively reach the same conclusion as the Attorney General's Office, that there is no conflict in the activities you propose to undertake. I would emphasize, however, that this is a preliminary opinion subject to review and ratification at the Commission's next regularly scheduled meeting which is currently planned for July 27th at 9:30.

I am sending you this letter to indicate the Commission's preliminary review in light of your need for advice by June 28th.

Sincerely,  
Madeleine R. Freeman, Chairman  
Commission on Governmental Ethics  
and Election Practices

cc: Deputy Atty. Gen. Alexander  
Ted Susi, Asst. to Commission

COMMISSION ON GOVERNMENTAL  
ETHICS AND ELECTION PRACTICES  
c/o Election Division  
Office of the Secretary of State

Augusta, Maine 04333

August 26, 1976

The Honorable Lawrence P. Greenlaw  
Stonington,  
Maine 04681

Dear Skip:

This is to inform you that your not so recent request for a decision on your conflict of interest question has been reached.

Please note that the enclosed copy of the minutes of the Commission's July 27th meeting indicate that in their opinion, the situation you described in your letter does not constitute a conflict of interest.

I apologize for the untimely response and must personally take the blame for the misunderstanding.

Hope you're having a good summer and good luck this fall.

Sincerely,  
Ted Susi

Assistant to the Commission

TS:lg  
Enclosure

COMMISSION ON GOVERNMENTAL  
ETHICS AND ELECTION PRACTICES  
c/o Election Division

Office of the Secretary of State  
Augusta, Maine 04333

December 17, 1976

Honorable James E. Tierney  
R.D. 2

Lisbon Falls, Maine 04252

Dear Representative Tierney:

At its meeting of December 10, 1976, the Commission on Governmental Ethics and Election Practices considered your request of November 2, 1976 for an opinion on potential conflict of interest in certain activities of you and your law firm relating to the drafting of legislation for an organization of firefighters whom you represent. You also asked whether you could vote on the legislation, should it come before the Legislature. You indicated that the legislation would not result in any increased business for your office and that the Maine State Council of Firefighters would not be charged for drafting the legislation. However, you pointed out that your law firm does represent firefighters' interests in many matters.

The Commission discussed the matter and believed that the could not reach a final decision on all your questions. It was the view of the Commission that there is no problem in your drafting the legislation. However, the Commission did not believe that it had enough facts to reach a decision as to whether or not you should vote on the legislation, or amendments to it, if it comes before the House. Accordingly, the Commission would appreciate an opportunity to meet with you to discuss this matter. Please contact Mr. James Bowie, staff member of the Commission, and try to arrange a mutually convenient time at which you could appear before the Commission.

Sincerely  
Madeleine R. Freeman  
Chairman

COMMISSION ON GOVERNMENTAL  
ETHICS AND ELECTION PRACTICES  
c/o Election Division

Office of the Secretary of State  
Augusta, Maine 04333

February 24, 1977

Honorable James E. Tierney  
R. D. 2

Lisbon Falls, Maine 04252

Dear Representative Tierney:

On February 17, 1977, you appeared before the Commission on Governmental Ethics and Election Practices to request an advisory opinion as to whether you have a conflict of interest in voting on certain legislation you have drafted for the Maine State Council of Firefighters. It is the opinion of the Commission that you do not have a conflict of interest under

the provisions of 1 MRSA Section 1014.

In general, under existing statutory provisions, a conflict of interest would exist 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 1014-1A) 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 1014-1F)

The Commission does not believe that either circumstance applies to you. You have indicated that passage or failure of the legislation in question will not affect your income or the income of your law firm.

Therefore, it is the opinion of the Commission on Governmental Ethics and Election Practices that no existing statutory provision precludes you from voting on the legislation in question.

The Commission's role in considering conflict of interest questions is to assist Legislators in identifying real conflicts of interest. The standards used are those set forth in 1 MRSA Section 1014. The Commission believes, moreover, that Legislators, many of whom derive income from sources other than their compensation for Legislative service, should be alert to apparent conflicts of interest and take action appropriate to maintaining the high reputation of the Maine Legislature. Therefore, the Commission recommends that, as you suggested during your appearance on February 17, your participation in official consideration of the legislation in question include acknowledgement of your role as the measure's author and your law firm's association with firefighters' organizations.

Thank you very much for your cooperation in this matter.

Sincerely,  
Madeleine R. Freeman  
Chairman

COMMISSION ON GOVERNMENTAL  
ETHICS AND ELECTION PRACTICES

c/o Election Division  
Office of the Secretary of State

Augusta, Maine 04333

June 15, 1977

Honorable John Chapman  
108th Maine Legislature  
State House

Augusta, Maine 04333

Dear Senator Chapman:

On June 15, 1977, you appeared before the Commission on Governmental Ethics and Election Practices to request an advisory opinion as to whether or not you have a conflict of interest in voting on L. D. 304, "An Act Requiring Average Net Cost Comparison of Life Insurance Companies." This request was originally made in your memorandum of June 9, 1977 to the Commission.

1 MRSA Section 1014-1-E provides that a conflict of interest exists where a "Legislator or a member of his immediate family stands to derive a personal private gain or loss from employment, because of legislative action, distinct from the gain or losses of other employees or the general community." You have explained to the Commission that as the result of your substantial interest in C & D Financial Services, which has a special, preferential agreement with Travelers Life Insurance Company, there is a reasonable possibility that your activity concerning L. D. 304 could result in your suffering certain economic sanctions and that that possibility is an influential factor.

Therefore, the Commission on Governmental Ethics and Election Practices finds that in this



case a conflict of interest does exist, based upon the reasonable belief, which is more than a mere possibility, that economic sanctions could be imposed upon you. The Commission recommends that you refrain from official consideration of the legislation in question.

Thank you very much for your cooperation in this matter.

Sincerely,  
Madeleine R. Freeman  
Chairman

COMMISSION ON GOVERNMENTAL  
ETHICS AND ELECTION PRACTICES  
c/o Election Division  
Office of the Secretary of State  
Augusta, Maine 04333  
June 15, 1977

Honorable John M. Norris II  
108th Maine Legislature  
State House  
Augusta, Maine 04333

Dear Representative Norris:

On June 15, 1977, the Commission on Governmental Ethics and Election Practices considered your June 13, 1977 request for an advisory opinion concerning a possible conflict of interest relating to L. D. 1199 and L. D. 1843. This request was referred to the Commission by House Speaker John L. Martin.

In general, under existing statutory provisions, a conflict of interest would exist 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," (1 MRSA Section 1014-1-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 1014-1-F)

The Commission does not believe that either circumstance applies to you.

Therefore, it is the opinion of the Commission on Governmental Ethics and Election Practices that no existing statutory provision precludes you from voting on the legislation in question.

Very truly yours,  
Madeline R. Freeman  
Chairman