To: Commissioners  
From: Jonathan Wayne, Executive Director  
Date: April 14, 2017  
Re: Draft Advisory Opinion to State Senator Lisa Keim for your Consideration

Background. One of the duties of the Commission is to provide advisory opinions to Legislators concerning possible violations of legislative ethics. The procedures for requesting an advisory opinion are contained in 1 M.R.S.A. § 1013(1)(B) & (2)(A) (attached). The request must be made in writing and signed by the Legislator. The phrase “violation of legislative ethics” is defined in 1 M.R.S.A. § 1014 (attached) to mean certain activities constituting a conflict of interest, undue influence, and abuse of office or position.

In recent years, when Legislators have contacted our office seeking advice on whether they can vote on a bill or whether paid employment would be viewed as a conflict, I have offered to provide guidance in the form of a letter or other means on behalf of the staff of the Commission, while cautioning the Legislator that the Commission may come to a different conclusion. Even though staff guidance is less authoritative than an advisory opinion from you, it has allowed the Commission to meet the needs of the Legislators in a timely way without organizing a special meeting of the Commission or making the Legislator wait for a monthly meeting. (I find that Legislators often expect to receive advice on an ethics issue within one or two weeks.) Recently, I have written two or three guidance letters each year. Usually, I confer with the Commission’s Counsel and/or Assistant Director on the letter, and it reflects a consensus view.

Legislators have also turned to the Office of the Maine Attorney General for advice on possible violations of legislative ethics, particularly in the 1980s and 1990s when the staff of the Ethics Commission was smaller. The advisory opinions of the Commission and
Attorney General, and a few of my guidance letters, are posted on the Commission’s website for reference.¹

In 2014 and this year, I offered staff guidance to two Legislators whose actions were subsequently the subject of criticism by political opponents.² This led me to review the relevant statutes and Commission Rule concerning the provision of advisory opinions. (1 M.R.S.A. § 1013(1)(B) & (2)(A) and Chapter 1, Section 4(1)(A) of the Commission’s Rules)

My conclusion is that if a Legislator contacts our office seeking “an advisory opinion,” the best course of action is to schedule it for consideration by you at a public meeting – even if this is less accommodating of the Legislator’s schedule. I would welcome any direction from you concerning whether the Commission’s Assistant Director or I should offer any kind of guidance or advice on a less formal basis (e.g., by email or telephone). We do not want to be unhelpful to Legislators by altering our established procedures which have been helpful to many Legislators due to a couple of cases in which some Augusta constituencies differ with staff advice.

**Request by State Senator Lisa Keim**

State Senator Lisa Keim is a recently elected State Senator who requested an advisory opinion two days ago concerning whether she may assist the Catalyst Paper Corporation, which operates a pulp and paper mill within her district. The company is a major employer of her constituents. She would like to assist the company in locating financial assistance to finance a new tissue machine or other upgrades to infrastructure. She seeks an advisory opinion because her husband is employed as a manager at the mill.

Unfortunately, Sen. Keim is unable to attend your April 18 meeting, but she responded very quickly to a request by me for some additional information. After conferring with the Commission’s Counsel, I have attached a draft of an advisory opinion for your consideration. Thank you.


² Former State Representative Mark Eves (advocacy for Medicaid expansion) and Rep. Ryan Tipping (modification of the income tax surcharge approved by Maine voters in November 2016 as Question 2).
April 11, 2017

Jonathan Wayne, Executive Director
Maine Ethics Commission
45 Memorial Circle
Augusta, ME 04330

Dear Mr. Wayne:

I am writing to request that the Maine Ethics Commission issue an advisory opinion on whether my assisting Catalyst Paper, which employs my husband, in locating potential resources for funding and workforce education through the State of Maine would result in an ethics violation or violate state law.

My husband, Blue Keim, is employed at Catalyst Paper’s Rumford Mill as the Manager for Operational Excellence. He is responsible for efficiency enhancements and cost reductions across the facility, and reports to the facility Vice President and General Manager.

It is my understanding that Catalyst Paper is currently considering expanding their facilities in Rumford with a new tissue machine. They are also hoping to revitalize existing infrastructure. The Rumford Mill is a major employer in my senate district and new employment opportunities would be welcome news to the citizens of western Maine. I would like to be of help to the company in locating potential resources, such as grants, that may be available to them for their new tissue machine and/or for their upgrades to existing infrastructure. In addition, I would like to help connect them with resources the state may be able to offer to help train current and new workers for positions within the mill.

I would request that the Maine Ethics Commission respond to me in writing whether or not my involvement in these projects would be present an ethics violation or violate state law.

Sincerely,

[Signature]

Lisa Keim
State Senator
April 12, 2017

Maine Ethics Commission
Attn: Jonathan Wayne, Executive Director
135 State House Station
Augusta, ME 04333-0135

Dear Mr. Wayne:

I have received your letter requesting additional information for the Commissioners so they can address my request for an advisory opinion. Below, please find my answers to your questions.

(1) Would you please elaborate on how you intend to assist Catalyst Paper in locating resources like grants or training opportunities that may be available from the State of Maine?

I intend to work with agencies such as the Maine Department of Labor, the Maine Department of Economic and Community Development and Efficiency Maine, to discover whether there are any existing programs and/or resources that Catalyst Paper could pursue for assistance in opening a tissue plant and training workers for positions at the Rumford Mill. I plan to share the results of my research with the company.

Additionally, if there are meetings held between the company and an agency or the Governor’s Office, I would be interested in attending to stay up to date on the issue and to assist in any way that I am able. Catalyst Paper is the major employer in my district and many of my constituents’ livelihoods depend upon its success. The voters in my district sent me to Augusta to help bring jobs and economic development to western Maine and I want to be their advocate. I would provide this same assistance to any business in my district.

(2) If you are successful in assisting Catalyst Paper in obtaining State grants and other assistance, would that result in any financial benefit to your husband or other benefit (e.g., advancement in his position)?

It is possible that if Catalyst Paper were to open a tissue plant, my husband could decide to apply for a position within that plant. Were he to apply and ultimately be chosen for a position, he potentially could receive a nominal pay increase. I do not know how much
that potential raise would be, but doubt it would be significant. Should the company not find the resources it needs to expand its operations, there is greater likelihood of mill closure and all of the employees, including my husband, would be out of work. While this is the worst case scenario, closure of the mill would be devastating to western Maine. If Catalyst Paper is successful in expanding its operations, all employees would see a benefit and new jobs would be created.

(3) **Do you contemplate introducing or supporting any legislation which may benefit Catalyst Paper?**

At this time, I do not anticipate introducing any legislation that would benefit Catalyst Paper, and they have not requested anything to that effect. While I cannot say for certain what bills I may submit throughout the remainder of the 128th Legislature, it is not something currently being considered. In regards to supporting legislation, there are no specific pieces of current legislation that come to mind. Speaking broadly, I am supportive of proposals that encourage job creation and improve our state’s business climate.

Thank you for your time in providing your guidance on this issue. I hope my answers are sufficient in allowing you to fully consider my request.

Sincerely,

Lisa Keim
State Senator
April ____, 2017

Hon. Lisa Keim
Maine Senate
3 State House Station
Augusta, ME 04333-0003

Dear Senator Keim,

Thank you for seeking an advisory opinion from the Maine Commission on Governmental Ethics and Election Practices (the Commission) concerning whether it would be a violation of legislative ethics for you to assist Catalyst Paper Corporation in obtaining financial assistance from Maine State government or other sources for a new tissue machine or for worker training. The firm operates a paper mill in Rumford that is a major employer within your district and that employs your husband.

Information Provided

You have provided the Commission the following information in an April 12, 2017 request for advisory opinion and an April 13 follow-up letter responding to three questions.

Spouse’s Employment. Your husband, Blue Keim, is employed by Catalyst Paper Corporation, which owns the pulp and paper mill in Rumford, as the Manager for Operational Excellence. In this position, he is responsible for “efficiency enhancements and cost reductions across the facility” and reports to the facility Vice President and General Manager.

In addition to employing your husband, Catalyst Paper Corporation is a major employer in your district and “many of [your] constituents’ livelihoods depend upon its success.” You write that securing state assistance could make the installation of a new tissue machine more likely. If the mill were to open a new tissue plant, it is possible your husband could apply for a position which – if he obtained it – could result in a nominal increase in his compensation. Conversely, if the mill is unable to find the resources to
expand its operations, you write that there is a greater likelihood of a closure of the mill, which would be devastating for your region.

Proposed activities. You propose to assist Catalyst Paper Corporation by helping locate grants or other sources of state assistance that may finance or support the installation of a new tissue machine or the upgrade of existing infrastructure. You also plan to assist Catalyst Paper Corporation in locating resources to train current and new workers for the mill. To do so, you plan to contact state agencies, including the Maine Department of Labor, the Maine Department of Economic and Community Development (DECD) and Efficiency Maine to ask about the availability of relevant programs. You would share this research with Catalyst Paper Corporation. You also anticipate attending any meetings between the company and state agencies or the Governor’s Office, to keep informed on the progress of obtaining state assistance and further that endeavor if possible.

You do not plan to introduce any legislation this term which might benefit Catalyst Paper Corporation, though you are generally supportive of legislation that encourages job creation and improves the state’s business climate.

Applicability of Statutes

Your April 12th letter asks the Commission to offer an opinion on whether these proposed activities violate legislative ethics laws. Below, the Commission applies the standards for conflicts of interest, undue influence and abuse of office or position in 1 M.R.S.A. § 1014 to the activities you have proposed.

Title 1, Section 1014(1), Conflicts of Interest. Since you do not contemplate introducing or voting on legislation to assist Catalyst Paper Corporation, the Commission does not believe your proposed activities would constitute a conflict of interest as defined in § 1014(1). If you do introduce or influence any legislation to assist the company in the future, please feel free to contact this office for additional advice.

Title 1, Section 1014(2-A), Undue Influence. The activities you have proposed would not result in undue influence on a department of Maine State government, as that term is defined in § 1014(2-A). Paragraph (2-A)(A) is not applicable because you would not be compensated for your activities in assisting Catalyst Paper Corporation. The agencies that you propose to contact (DECD, the Department of Labor, and Efficiency Maine) are
not overseen by the legislative oversight committees to which you are assigned (the Joint Standing Committees on the Judiciary and State and Local Government). Accordingly, paragraph (2-A)(B) is not implicated. Because you are not proposing to represent or assist another in a sale of goods or services to the State, your proposed activities would not violate paragraph (2-A)(C).

Title 1, Section 1014(3), Abuse of Office or Position. Under Section 1014(3), certain activities are defined as an abuse of a Legislator’s office, in order to prevent wrongful use of the office to benefit oneself or another person. Paragraph (3)(A) would not apply to your proposed activities, because that paragraph relates to non-competitive contracts in which the State is purchasing goods or services from a Legislator, their immediate family, or an organization that has a close economic association with them.

Paragraph (3)(B) forbids a Legislator from obtaining a special privilege or preferential treatment for the Legislator or for another, which is not readily available to other members of the class to which the beneficiary belongs. The Commission believes the sharing of your research with Catalyst Paper Corporation and your attendance at meetings between the company and State officials would not, in itself, give rise to any inference that you were obtaining a special privilege or preferential treatment. The key phrase in the statute is “not readily available to members of the general community or class” to which Catalyst Paper Corporation belongs. Thus, if, for example, you were to discover a state or federal program that Catalyst Paper Corporation could apply for, that should not constitute obtaining preferential treatment if other companies are free to apply as well.

We encourage you to keep this standard in mind and avoid any situation where it may appear you are trying to obtain a special privilege or preferential treatment for the mill not readily available to others.

So long as you do not obtain confidential information through your position as a Legislator and use that information to benefit Catalyst Paper Corporation or others, Paragraph (3)(C) should not apply to your situation.

Title 1, Section 1014(4), Contract with State Government Agency. Because your proposed activities should not result in a contract between you or an associated organization and the State, this section does not apply to your situation.
**Conclusion**

The Commission concludes that the proposed activities you have described would not constitute a violation of legislative ethics, provided that you do not obtain any special privilege or preferential treatment for the Catalyst Paper Corporation that is not readily available to the class of businesses to which it belongs.

Because your spouse works at the mill, we do suggest making sure that you are comfortable with the appearances of the situation. The statement of purpose in the Legislative Ethics Law encourages members to consider the appearance of a conflict of interest or abuse of position, even when there is no actual impropriety. (1 M.R.S.A. § 1011) Some members of the public could find it inappropriate for a State Senator to assist their spouse’s employer in locating financial assistance through programs administered by the State of Maine. On the other hand, many citizens expect their Legislators to do just what you contemplate: help an employer in their district obtain state assistance. Catalyst Paper Corporation is a major employer in your district. You could be criticized for not assisting the mill in taking advantage of financial assistance and worker training opportunities afforded by the State. Based on the information you have provided, any financial benefit to your husband would be speculative and not directly tied to your actions. Expansion of the mill operations would benefit other mill employees generally.

The potential that some members of the public could take issue with your proposed activities is one for you to weigh as an elected official. The Commission is of the opinion that the Legislative Ethics Law permits you to undertake the actions you have proposed, provided that you so not obtain special advantage or preferential treatment for Catalyst Paper Corporation.

Thank you for seeking an advisory opinion from the Commission.

Sincerely,

Margaret E. Matheson
Chair
Maine Revised Statutes
Title 1: GENERAL PROVISIONS
Chapter 25: GOVERNMENTAL ETHICS

§1011. STATEMENT OF PURPOSE

The Maine Legislature enjoys a high reputation for progressive accomplishment. The vast majority of its members are public officers of integrity and dedication, seeking at all times to maintain high standards of ethical conduct. [1975, c. 621, §1 (NEW).]

The public interest is best served by attracting and retaining in the Legislature men and women of high caliber and attainment. The public interest will suffer if unduly stringent requirements deprive government "of the services of all but princes and paupers." [1975, c. 621, §1 (NEW).]

Membership in the Legislature is not a full-time occupation and is not compensated on that basis; moreover, it is measured in 2-year terms, requiring each member to recognize and contemplate that his election will not provide him with any career tenure. [1975, c. 621, §1 (NEW).]

Most Legislators must look to income from private sources, not their public salaries, for their sustenance and support for their families; moreover, they must plan for the day when they must return to private employment, business or their professions. [1975, c. 621, §1 (NEW).]

The increasing complexity of government at all levels, with broader intervention into private affairs, makes conflicts of interest almost inevitable for all part-time public officials, and particularly for Legislators who must cast their votes on measures affecting the lives of almost every citizen or resident of the State. The adoption of broader standards of ethics for Legislators does not impugn either their integrity or their dedication; rather it recognizes the increasing complexity of government and private life and will provide them with helpful advice and guidance when confronted with unprecedented or difficult problems in that gray area involving action which is neither clearly right nor clearly wrong. [1975, c. 621, §1 (NEW).]

If public confidence in government is to be maintained and enhanced, it is not enough that public officers avoid acts of misconduct. They must also scrupulously avoid acts which may create an appearance of misconduct. [1975, c. 621, §1 (NEW).]

The Legislature cannot legislate morals and the resolution of ethical problems must indeed rest largely in the individual conscience. The Legislature may and should, however, define ethical standards, as most professions have done, to chart the areas of real or apparent impropriety. [1975, c. 621, §1 (NEW).]

SECTION HISTORY
1975, c. 621, §1 (NEW).
§1012. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1989, c. 561, §4 (RPR).]

1. **Close economic association.** "Close economic association" means the employers, employees, partners or clients of the Legislator or a member of the Legislator's immediate family; corporations in which the Legislator or a member of the Legislator's immediate family is an officer, director or agent or owns 10% or more of the outstanding capital stock; a business which is a significant unsecured creditor of the Legislator or a member of the Legislator's immediate family; or a business of which the Legislator or a member of the Legislator's immediate family is a significant unsecured creditor.

[1989, c. 561, §4 (RPR).]

1-A. **Associated organization.** "Associated organization" means any organization in which a Legislator or a member of the Legislator's immediate family is a managerial employee, director, officer or trustee or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity.

[2011, c. 634, §1 (AMD).]

... 

7-A. **Managerial employee.** "Managerial employee" means an employee of an organization whose position requires substantial control over the organization's decision making, business operations, financial management or contracting and procurement activities. For the purposes of this subsection, financial management does not include tasks that are considered clerical in nature.

[2011, c. 634, §3 (NEW).]

...
§1013. AUTHORITY; PROCEDURES

1. Authority. The commission has authority:

   A. To issue, on request of any Legislator on an issue involving that Legislator, or on its own motion, written advisory opinions and guidance on problems or questions involving possible violations of legislative ethics; [2007, c. 642, §6 (AMD).]

   B. To investigate complaints alleging a violation of legislative ethics against any Legislator, to investigate a possible violation of legislative ethics upon the commission's own motion, to hold hearings on an alleged or possible violation if the commission determines it is appropriate and to issue findings of fact together with its opinion; and [2011, c. 471, §1 (AMD).]

   C. To administer the disclosure of sources of income by Legislators as required by this subchapter. [1975, c. 621, §1 (NEW).]

   [2011, c. 471, §1 (AMD).]

2. Procedure. The following procedures apply.

   A. Requests for advisory opinions by members of the Legislature must be filed with the commission in writing and signed by the Legislator requesting the opinion and must contain such supporting data as the commission requires. Commission staff shall inform a Legislator upon that Legislator's request for an advisory opinion that written opinions issued by the commission are public and are submitted to the Clerk of the House and the Secretary of the Senate and entered into the legislative record. When preparing an advisory opinion on its own motion, the commission shall notify the Legislator concerned and allow the Legislator to provide additional information to the commission. In preparing an advisory opinion, either upon request or on its own motion, the commission may make such an investigation as it determines necessary. A copy of the commission's advisory opinion must be sent to the Legislator concerned and to the presiding officer of the legislative body of which the Legislator is a member. [2007, c. 642, §6 (AMD).]
§1014. VIOLATIONS OF LEGISLATIVE ETHICS

1. **Situations involving conflict of interest.** A Legislator engages in a violation of legislative ethics if that Legislator votes on a question in connection with a conflict of interest in committee or in either body of the Legislature or attempts to influence the outcome of that question unless a presiding officer in accordance with the Joint Rules of the Legislature requires a Legislator to vote or advises the Legislator that there is no conflict in accordance with section 1013, subsection 2, paragraph K. A conflict of interest includes:

A. When a Legislator or a member of the Legislator's immediate family has or acquires a direct substantial personal financial interest, distinct from that of the general public, in an enterprise that would be financially benefited by proposed legislation, or derives a direct substantial personal financial benefit from close economic association with a person known by the Legislator to have a direct financial interest in an enterprise affected by proposed legislation; [2007, c. 642, §7 (AMD)].

B. When a Legislator or a member of the Legislator's immediate family accepts gifts, other than campaign contributions duly recorded as required by law, from persons affected by legislation or who have an interest in an entity affected by proposed legislation and the Legislator knows or reasonably should know that the purpose of the donor in making the gift is to influence the Legislator in the performance of the Legislator's official duties or vote or is intended as a reward for action on the Legislator's part; [2007, c. 642, §7 (AMD)].

C. Receiving compensation or reimbursement not authorized by law for services, advice or assistance as a Legislator; [2007, c. 642, §7 (AMD)].

D. Appearing for, representing or advocating on behalf of another before the Legislature, unless without compensation and for the benefit of a citizen; [2007, c. 642, §7 (AMD)].

E. When a Legislator or a member of the Legislator's immediate family accepts or engages in employment that could impair the Legislator's judgment, or when the Legislator knows that there is a substantial possibility that an opportunity for employment is being afforded the Legislator or a member of the Legislator's immediate family with intent to influence the performance of the Legislator's official duties, or when the 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; and [2007, c. 642, §7 (AMD)].

F. When a Legislator or a member of the Legislator's immediate family has an interest in legislation relating to a profession, trade, business or employment in which the Legislator or a member of the Legislator's immediate family is engaged and the benefit derived by the Legislator or a member of the Legislator's immediate family is unique and distinct from that of the general public or persons engaged in similar professions, trades, businesses or employment. [2007, c. 642, §7 (AMD)].
2. Undue influence.

[2009, c. 258, §2 (RP).]

2-A. Undue influence. It is a violation of legislative ethics for a Legislator to engage in conduct that constitutes the exertion of undue influence, including, but not limited to:

A. Appearing for, representing or advocating for another person in a matter before a state agency or authority, for compensation other than compensation as a Legislator, if the Legislator makes reference to that Legislator's legislative capacity, communicates with the agency or authority on legislative stationery or makes threats or implications relating to legislative action; [2009, c. 258, §3 (NEW).]

B. Appearing for, representing or advocating for another person in a matter before a state agency or authority if the Legislator oversees the policies of the agency or authority as a result of the Legislator's committee responsibilities, unless:

   (1) The appearance, representation or advocacy is provided without compensation and for the benefit of a constituent;

   (2) The Legislator is engaged in the conduct of the Legislator's profession and is in good standing with a licensing board, if any, that oversees the Legislator's profession;

   (3) The appearance, representation or advocacy is provided before a court or office of the judicial branch; or

   (4) The representation consists of filing records or reports or performing other routine tasks that do not involve the exercise of discretion on the part of the agency or authority; and [2009, c. 258, §3 (NEW).]

C. Representing or assisting another person in the sale of goods or services to the State, a state agency or a state authority, unless the transaction occurs after public notice and competitive bidding. [2009, c. 258, §3 (NEW).]

[2009, c. 258, §3 (NEW).]

3. Abuse of office or position. It is a violation of legislative ethics for a Legislator to engage in conduct that constitutes an abuse of office or position, including but not limited to:

A. When a Legislator or a member of the Legislator's immediate family has a direct financial interest or an interest through a close economic associate in a contract for goods or services with the State, a state agency or state authority, unless the contract is awarded through competitive bidding or is exempt from competitive bidding pursuant to state purchasing laws or the payment provisions are based on uniform rates established by the State, a state agency, a state authority or other governmental entity; [2007, c. 642, §7 (AMD).]

B. Granting or obtaining special privilege, exemption or preferential treatment to or for oneself or another, which privilege, exemption or treatment is not readily available to members of the general community or class to which the beneficiary belongs; and [2007, c. 642, §7 (AMD).]

C. Use or disclosure of confidential information obtained because of office or position for the benefit of self or another. [1975, c. 621, §1 (NEW).]

[2007, c. 642, §7 (AMD).]
4. **Contract with state governmental agency.** It is a violation of legislative ethics for a Legislator or an associated organization to enter with a state agency into any contract that is to be paid in whole or in part out of governmental funds unless the contract has been awarded through a process of public notice and competitive bidding or is exempt from competitive bidding pursuant to state purchasing laws.

[ 2007, c. 642, §7 (NEW) .]

**SECTION HISTORY**

Chapter 1: PROCEDURES

SUMMARY: This Chapter describes the nature and operation of the Commission, and establishes procedures by which the Commission’s actions will be governed.

SECTION 4. INITIATION OF PROCEEDINGS

1. **Legislative Ethics.** The Commission is authorized to investigate and make advisory recommendations to either House of the Maine Legislature concerning legislative conflicts of interest or any breach of the legislative ethics set forth in 1 M.R.S.A. §§ 1001 - 1023. The Commission's opinion may be sought by three methods, or the Commission may act on its own motion.

   A. **Legislator's Own Conduct**

      (1) A Legislator seeking an advisory opinion with respect to his or her own circumstances or conduct should make a written request for an opinion, setting forth the pertinent facts with respect to the legislative matter at issue and the circumstances of the Legislator giving rise to the inquiry.

      (2) The request will be officially filed only when received at the offices of the Commission. The Director will promptly send a copy of the request to the Chair, and the matter will be placed on the agenda for the next Commission meeting, or if necessary, at a special meeting.

      (3) An oral request by a Legislator for an opinion with respect to his or her own circumstances will not be considered an official request for an advisory opinion, and a Legislator making such a request will be so notified, by letter, and encouraged to file a written request.

   B. **Complaints.** Any written complaint will be included in the agenda of the next Commission meeting.

      (1) **Complaint by a Legislator.** Copies of any sworn complaint filed by a Legislator will promptly be sent to the Legislator against whom the complaint has been lodged and to the Commission Chair, in each case identifying the Legislator making the complaint. A complaint invokes the Commission's authority only if made under oath and only if it addresses an alleged conflict of interest relating to circumstances arising during the term of the legislature then in office.
Other Complaints

(a) The Director will review each complaint to determine whether the matter relates to the Commission's statutory mandate. When a complaint is filed, the Director, in consultation with Commission Counsel, will review the matter to determine whether the complaint has sufficient merit to warrant recommending the calling of a meeting. When a meeting is called, the Commission will determine in executive session whether to hear the complaint. If the nature of the complaint clearly does not fall within the scope of the Commission's jurisdiction, the Director will so notify the complainant by letter within 14 days of receiving the complaint. In such cases, the respondent need not be notified. The Commission may reverse any administrative decision.

(b) An oral complaint by any person alleging a conflict of interest concerning any legislator does not constitute a complaint under 1 M.R.S.A. §1013(2)(B), and a person registering such a complaint will be so notified, by letter.

C. Referral by Presiding Officer. When a Legislator has requested an advisory opinion from the Presiding Officer of the House of which he/she is a member, and the Presiding Officer has referred the inquiry directly to the Commission, the Director will arrange a meeting of the Commission as soon as possible to consider the question.