Agenda Item #8

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commission Members

From: Jonathan Wayne, Executive Director

Date: July 21, 2009

Re: Developing Ethical Standards for the Executive Branch

In the 2009 session, the Legislature adopted a resolve (Chapter 88) directing the Ethics Commission to examine existing ethical standards that govern members of the executive branch of Maine state government and to develop advisory recommendations for the establishment of statutory ethical standards. The resolve was sponsored by Sen. Kevin Raye, the Republican Leader in the State Senate.

The Commission is required to submit a report to the Joint Standing Committee on Legal and Veterans Affairs no later than December 3, 2009 that includes suggested legislation. The resolve also directs the Commission to seek input from members of the executive branch in developing these standards.

Under existing law, the Commission has limited ethics jurisdiction concerning members of the Maine Legislature (*e.g.*, conflicts of interest, abuse of office). The Commission has no jurisdiction over the professional ethics of executive branch officials and employees, other than a new responsibility of receiving disclosure statements of the

sources of personal income filed by senior officials in "major policy-influencing" positions, and by constitutional officers and the Governor.

The staff inquires how it should proceed toward meeting the requirements of Resolve Chapter 88 in the next eight weeks prior to your next meeting on September 24, 2009. For example, should we:

- draft a section of the required report for your consideration discussing existing Maine statutes relating to the ethics of executive branch officials,
- invite a representative of the executive branch or members of the general public to provide input to you at the September 24 meeting,
- meet at the staff level with a representative of the Governor's office or other executive branch managers (*e.g.*, the Commissioner of the Department of Administrative and Financial Services) to receive input on ethics standards for the executive branch,
- examine other states' ethics laws governing executive branch employees, and
- draft a model law for Maine (if possible by September 24) for your preliminary consideration.

The report required by Resolve Chapter 88 is a significant project for the Commission and its staff, but there is sufficient time to accomplish a good work product by December 3, 2009. The Commission staff would be pleased to take on any task you wish to assign.

Thank you.

PLEASE NOTE: Legislative Information ***cannot*** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Develop Recommendations for Ethical Standards for the Executive Branch

Sec. 1 Commission to develop recommendations on ethical standards for the executive branch. Resolved: That the Commission on Governmental Ethics and Election Practices shall examine existing ethical standards that govern members of the executive branch and develop advisory recommendations regarding the establishment of statutory ethical standards for the executive branch and submit a report, including suggested legislation, to the Joint Standing Committee on Legal and Veterans Affairs no later than December 3, 2009. The commission shall seek input from members of the executive branch in developing these standards. The Joint Standing Committee on Legal and Veterans Affairs is authorized to report out legislation based on this report to the Second Regular Session of the 124th Legislature.