



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

**COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES**

**STATE HOUSE STATION 101  
OFFICE OF THE SECRETARY OF STATE  
AUGUSTA, MAINE 04330**

**March 31<sup>st</sup>, 1993**

Minutes of the March 31<sup>st</sup>, 1993 Commission meeting held at 10:00 a.m. in Room 109 of the State Office Building.

Present: Chair Robert P. McArthur; members Virginia Chamberlin, Gregory G. Cyr, Joseph B. Ezhaya, Richard G. Morton, Richard L. Trafton, Paul E. Violette, Peter B. Webster; Commission counsel Cabanne Howard

Absent: Member Robert E. Tierney

First, the Commission considered the request of Mr. Gary Wood for guidance concerning the following issues:

- 1) may a candidate purchase computer equipment with campaign funds;
- 2) if so, what restrictions apply to the use of the computer during the campaign;
- 3) is the computer considered surplus subject to 21-A MRSA Section 1017(8); and
- 4) if so, what restrictions apply to the computer and its use after the campaign.

It was acted that 21-A MRSA Section 1017(8) restricts the use of surplus funds, but is silent on the question of whether candidates may convert campaign funds to personal use during the campaign.

After some discussion of the matter, Mr. Ezhaya moved to advise Mr. Wood as follows:

- 1) campaign funds may be used to purchase computers;
- 2) the law places no restrictions on how candidates may use equipment during the campaign;
- 3) after the campaign, the computer would be considered a surplus item;
- 4) if the candidate wishes to keep the computer, he/she could buy it back from the campaign at the fair market value cost.

Mr. Ezhaya's motion was seconded and voted.

Next, the Commission reviewed the request of Representative Michael Brennan for an advisory opinion on a potential conflict of interest.

Mr. Brennan asked for guidance on whether he should vote on the following bills:

- 1) L.D. 239 "An Act to Provide Assistance to Homeless Persons with Mental Illness,
- 2) L.D. 319 "An Act to Foster Family Self-Sufficiency,

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- 3) L.D. 337 "An Act to Prohibit Public Housing Authorities from Regulating Firearm Possession by Residents," and
- 4) L.D. 746 " An Act to Increase Tenant Representation on Housing Authorities."

Mr. Brennan indicated he is a student intern at the University of Southern Maine and serves as Chair of the Board of Commissioner's for the Portland Housing Authority. After some discussion, Mr. Trafton moved to advise Mr. Brennan that he would have no conflict in voting on any of the bills in question. Mc. Cyr seconded and the motion carried unanimously.

The next item discussed was the question of whether the Commission has the authority to investigate the appropriateness of Speaker Martin's conduct in the matter relating to ballot tampering. Counsel Howard advised that the Commission lacks such authority. At that, Mc. Cyr moved that the Commission acknowledge it has no jurisdiction to hear the matter. For discussion purposes, Mr. Webster seconded the motion. There followed a lengthy debate concerning the Commission's role under the law, during which Mr. Webster expressed the view that the law is subject to interpretation; that the matter in question may fall within the scope of the Commission's authority. It was then proposed that the Commission meet again to conduct a broader discussion of the issue, and that it submit to the Legislature revised language clarifying the Commission's mandate. Opinion being mixed on the question, Mr. Cyr withdrew his motion and moved instead that the Commission take no action in the matter. The motion was seconded and voted.

Members then focused on the report of the Elections Commission. Mr. Violette suggested that the Commission meet after studying the report to formulate recommendations on election reform for submission to the Legislature.

The Commission then agreed to meet on Tuesday, May 11<sup>th</sup>, 1993 at 10:00 a.m. to discuss both the jurisdictional issue and the question of whether the Commission wishes to propose election reform.

The meeting was adjourned at 12:55 p.m.

Respectfully submitted,

Marilyn Canavan, Director