STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
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JANET T. MILLS
GOVERNOR

Conflict of Interest Policy for Governor's Appointees to Licensing Boards and Commissions within and affiliated with the Department of Professional and Financial Regulation

Introduction

The sole purpose of an occupational and professional regulatory licensing board is to protect the public health and welfare of Maine citizens by examining, licensing, regulating and disciplining practitioners of the regulated professions. This statement of policy applies to individuals appointed to serve on boards and commissions within and affiliated with the Department of Professional and Financial Regulation. The policy applies to public members as well as to members of a regulated profession.

Section 1: Appointments; Reappointments

Individuals appointed by the Governor to serve as licensing board members are state officials. As such, board members are held to a high standard of honesty and integrity and are expected to serve the public in an unbiased and impartial manner at all times.

Section 2: Professional and Trade Associations

To safeguard the integrity of the licensing system and the ability of board members to act in an impartial manner, individuals holding leadership positions in their professional or trade association may not be considered for appointment as a licensing board member unless they resign their professional association leadership positions. Further, appointed board members may not hold such leadership positions for the term of appointment to a licensing board or commission. Board members who accept leadership positions in professional associations shall resign their board member positions before taking office in a professional association.

Professional and trade associations serve the best interests of the profession whereas a professional licensing board serves only the best interests of the public at large. This policy is designed to avoid any conflict of interest or even the appearance of a conflict of interest, between the profession and the regulatory body and to clarify for the public the distinction between a licensing entity serving the public and the professional association that serves the profession.

Section 3: State Employees

State employees will not be considered for appointment to licensing boards and commissions by the Governor in the absence of a statutory provision designating a state employee. Board members who accept state employment during the course of their board term shall resign their board positions before beginning employment.

Section 4: Running for Elective Office

State law provides that members of licensing boards and commissions "may not be candidates for elective office in a partisan public election other than for a local office" while simultaneously serving as board members. Board members who plan to run for elective office shall resign their board position before becoming candidates to avoid a conflict of interest between their role as a state official and their role as a candidate for elective office. See, 5 MRSA § 7056-A (4).

Section 5: Continuing Professional Education

Many licensing boards within and affiliated with the Department of Professional and Financial Regulation require licensees to obtain continuing professional education as a requirement for license renewal. Board members who provide, teach or deliver continuing professional education courses for licensees shall recuse themselves from any board discussion or decision involving approval of continuing professional education providers or courses. Educational coursework required for licensure offered at a college or university and in-service training performed as part of a board member's practice or employment are exempt from this section of the Conflict of Interest Policy.

Section 6: Continuing Service

Board members who, for any reason, find themselves in a conflict situation on the effective date of this policy or thereafter shall either resign their board position or actively withdraw from further conflicting activity.

Section 7: Removal for Cause

Appointments to boards and commissions are within the discretion of the Governor who has statutory authority to remove board members for cause. (*See, for example, 32 MRSA § 501 which provides, in part, "A member of the board may be removed from office for cause by the Governor.")* "Removal for cause" is interpreted to include, for example, criminal convictions, disciplinary actions taken against the board member's license, personal conduct unbecoming to a state official, repeated absences from board meetings, as well as failure to comply with policies and guidelines for licensing boards and members adopted by the Department of Professional and Financial Regulation.

Section 8: Questions and Interpretations

If a board member has questions about a potential conflict of interest or an interpretation of this policy, the board member may contact the Director of the Office of Professional and Occupational Regulation or the Commissioner of the Department for assistance.

Date: 4/25/19

Governor Janet T. Mills

I have reviewed and agree to abide by the provisions of the Conflict of Interest Policy dated 4/25/19.

Signature

Date

Board