

Agenda

Item #5



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

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: September 21, 2010

Re: Proposals for Legislative and Rule Changes in 2011

During the last three election cycles, the Commission has been active in proposing statutory changes to the Legislature concerning the laws within the Commission's jurisdiction. In my experience, the Legislature has been very open to receiving the legislation and has given the Commission a later deadline to submit an "agency bill." In 1 M.R.S.A. § 1009 (attached), the Legislature has provided the Commission until 90 days after a general election (February 2, 2011) with an opportunity to submit legislation. For your information, this memo describes the past practice for you. The staff would be inclined to operate the same way as in previous years.

In the course of giving informal advice or administering enforcement items during the election year, the Commissioners or Commission staff occasionally encounter policy issues that are not addressed in current statute or rules. We keep a list of ideas that may need to be addressed. Sometimes we receive suggestions from candidates or lobbyists, and include them in the list if they have merit. In addition, we usually conduct a survey of all legislative candidates. There are sometimes opportunities to solicit ideas from other groups, as well.

In past election years, the Commission staff developed proposed statutory changes that we presented to the Commissioners for their consideration in November or December. The Commissioners have usually been open to receiving public comment on the proposed changes. The Maine Citizens for Clean Elections and one or two of the political caucuses usually comment, and the staff has been in communication with them in advance in order

to receive input at the staff level and minimize disagreements. Then, at a public meeting, the Commissioners have approved of the specific provisions, or made changes or deletions.

In my experience, the fact that the legislation was reviewed by the Commission with the opportunity for public comment has assisted the consideration of the Commission's bill by the Joint Standing Committee on Legal and Veterans Affairs (LVA). A very high proportion of the Commission's bills (somewhere around 95%) have been approved by the LVA Committee and the Legislature.

In addition, the Commission usually undertakes a rule-making after the election to address issues in the Commission's rules. Some of the rule changes are major substantive and must be approved by the Legislature (ideally during the first regular session so that they are settled before the next election year begins).

Thank you for your consideration of this memo.

1 MRSA § 1009. RECOMMENDATIONS TO LEGISLATURE

Following a general election, the commission may solicit suggestions for improving campaign financing and reporting and the administration of the other areas within the commission's jurisdiction. The commission shall review the suggestions and may submit legislation within 90 days of the general election based on those suggestions or on proposals by individual members of the commission or its staff.