

128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 850

H.P. 599

House of Representatives, March 7, 2017

An Act To Prohibit a Person from Providing False Testimony to a Committee of the Legislature

Reference to the Committee on State and Local Government suggested and ordered printed.

ROBERT B. HUNT
Clerk

Presented by Representative SIROCKI of Scarborough.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: DILLINGHAM of Oxford, GINZLER of Bridgton, MALABY of Hancock,
O'CONNOR of Berwick, TIMBERLAKE of Turner, TURNER of Burlington, Senators:
SAVIELLO of Franklin, WOODSOME of York.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 3 MRSA c. 22 is enacted to read:
3	CHAPTER 22
4	TESTIMONY BEFORE LEGISLATIVE COMMITTEES
5	§491. Requirement to provide truthful testimony
6 7	1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.
8 9 10 11 12	A. "Legislative committee" means a committee, subcommittee or joint or select committee of the Legislature or any special committee or commission, by whatever name, established by the Legislature to make recommendations for legislative action or to develop legislation, when convened for a hearing, work session or other official purpose.
13	B. "Person" means a:
14	(1) Legislative designee, as defined in section 312-A, subsection 8-A;
15	(2) Lobbyist, as defined in section 312-A, subsection 10;
16	(3) Lobbyist associate, as defined in section 312-A, subsection 10-A;
17	(4) Member of the public;
18 19	(5) Official in the executive branch, as defined in section 312-A, subsection 10-C; or
20 21	(6) State employee or state agency employee, as defined in section 312-A subsection 17.
22 23	C. "Testimony" means information, provided either in person or by other means, and includes information provided orally, in writing or by other means of communication.
24	2. Testimony. A person who provides testimony to a legislative committee may not:
25 26	A. Purposely provide false testimony regarding a material fact pertaining to that person's testimony;
27	B. Purposely falsify any testimony; or
28	C. Purposely omit or conceal a material fact related to the testimony.
29 30 31	3. Oath. Notwithstanding any law to the contrary, any member of a legislative committee may require that the chair of the committee place a person providing testimony under oath.
32 33 34	4. Penalty. A person who violates subsection 2 commits a Class E crime. If that person violates this section while under oath pursuant to subsection 3, that person commits a Class D crime.

5. Suspension. If a person who violates subsection 2 is a lobbyist or lobbyist associate, the Commission on Governmental Ethics and Election Practices may suspend that person from further lobbying before the Legislature for a period of up to 2 years, in addition to any penalty imposed pursuant to subsection 4.

5 SUMMARY

This bill prohibits a person such as a lobbyist, state employee, executive branch official or member of the public from purposely providing, either in person or through another means, false testimony, either orally, in writing or by other means, to a legislative committee or purposely omitting or concealing a material fact related to testimony provided to a legislative committee. This bill allows any member of a legislative committee to require the chair of that committee to place a person testifying before that committee under oath.

A person who purposely provides false testimony to a legislative committee or who omits or conceals a material fact commits a Class E crime. If the person was under oath at the time, the person commits a Class D crime. If the person is a lobbyist or lobbyist associate, the person may be suspended from lobbying before the Legislature for up to 2 years.