

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

## **An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 1 MRSA §1002, sub-§2**, as amended by PL 2007, c. 571, §1, is further amended to read:

**2. Qualifications.** The members of the commission must be persons of recognized judgment, probity and objectivity. A person may not be appointed to this commission who is a member of the Legislature or who was a member of the previous Legislature, who was a declared candidate for an elective county, state or federal office within 2 years prior to the appointment or who now holds an elective county, state or federal office, who is an officer of a political committee, party committee or political action committee or who holds a position in a political party or campaign. ~~A person may not serve on the commission who is an officer, director, employee or primary decision maker of a party committee, political action committee or candidate committee authorized under Title 21-A, section 1013-A, subsection 1, paragraph B.~~ Each member shall file a disclosure with the commission that states the member's financial interests and affiliations with outside organizations by February 15th of each year. If a member enters into any new affiliations or activities, the member shall file an updated disclosure within 21 days.

**Sec. 2. 1 MRSA §1012, sub-§1**, as repealed and replaced by PL 1989, c. 561, §4, is amended to read:

**1. Close economic associate.** "Close economic ~~association~~ associate" means the employers, employees, partners or clients of the Legislator or a member of the Legislator's immediate family; ~~corporations~~ entities in which the Legislator or a member of the Legislator's immediate family is an officer, director or agent or owns 10% or more of the outstanding capital stock; a business ~~which~~ that is a significant unsecured creditor of the Legislator or a member of the Legislator's immediate family; or a business of which the Legislator or a member of the Legislator's immediate family is a significant unsecured creditor.

**Sec. 3. 1 MRSA §1012, sub-§4, ¶A**, as enacted by PL 1989, c. 561, §4, is amended to read:

A. Gifts received from a single source during the reporting period with an aggregate value of ~~\$300~~ \$25 or less;

**Sec. 4. 1 MRSA §1012, sub-§4, ¶C**, as amended by PL 2007, c. 642, §4, is further amended to read:

C. A gift received from a relative or a friend who is not a registered lobbyist or lobbyist associate under Title 3, section 313;

**Sec. 5. 1 MRSA §1012, sub-§4, ¶D**, as amended by PL 2007, c. 642, §4, is further amended to read:

D. A subscription to a newspaper, news magazine or other news publication; or

**Sec. 6. 1 MRSA §1012, sub-§4, ¶E**, as enacted by PL 2007, c. 642, §4, is amended to read:

E. Legal services provided in a matter of legislative ethics;

**Sec. 7. 1 MRSA §1012, sub-§4, ¶F** is enacted to read:

F. A meal, if the meal is provided by industry or special interest organizations as part of the informational program presented to a group of public servants and the cost is under \$25; or

**Sec. 8. 1 MRSA §1012, sub-§4, ¶G** is enacted to read:

G. A meal, if the meal is a prayer breakfast or a meal served during a meeting to establish a prayer breakfast and the cost is under \$25.

**Sec. 9. 1 MRSA §1014, sub-§1, ¶A**, as amended by PL 2007, c. 642, §7, is further amended to read:

~~A. When a Legislator or a member of the Legislator's immediate family has or acquires a direct substantial personal financial interest, distinct from that of the general public, in an enterprise that would be financially benefited by proposed legislation, or derives a direct substantial personal financial benefit from close economic association with a person known by the Legislator to have a direct financial interest in an enterprise affected by proposed legislation or a close economic associate of the Legislator will derive a financial benefit from, or be harmed by, proposed legislation to a significantly greater extent than others in the same enterprise, profession, trade, business or type of employment;~~

**Sec. 10. 1 MRSA §1014, sub-§1, ¶A-1** is enacted to read:

A-1. When a Legislator, a member of the Legislator's immediate family or a close economic associate of the Legislator is a member of a small group of persons or entities that will derive a significant financial benefit or harm from proposed legislation;

**Sec. 11. 1 MRSA §1014, sub-§1, ¶D**, as amended by PL 2007, c. 642, §7, is further amended to read:

D. Appearing for, representing or advocating on behalf of another before the Legislature, unless without compensation and for the benefit of a citizen; and

**Sec. 12. 1 MRSA §1014, sub-§1, ¶E**, as amended by PL 2007, c. 642, §7, is further amended to read:

E. When a Legislator or a member of the Legislator's immediate family accepts or engages in employment that could impair the Legislator's judgment, or when the Legislator knows that there is a substantial possibility that an opportunity for employment is being afforded the Legislator or a member of the Legislator's immediate family with intent to influence the performance of the

~~Legislator's official duties, or when the Legislator or a member of his immediate family stands to derive a personal private gain or loss from employment, because of legislative action, distinct from the gain or losses of other employees or the general community; and.~~

**Sec. 13. 1 MRSA §1014, sub-§1, ¶F**, as amended by PL 2007, c. 642, §7, is repealed.

**Sec. 14. 1 MRSA §1014, sub-§2**, as amended by PL 2007, c. 642, §7, is repealed.

**Sec. 15. 1 MRSA §1014, sub-§2-A** is enacted to read:

**2-A. Undue influence.** It is a violation of legislative ethics for a Legislator to engage in conduct that constitutes the exertion of undue influence, including, but not limited to:

A. Appearing for, representing or advocating for another person in a matter before a state agency or authority, for compensation other than compensation as a Legislator, if the Legislator makes reference to that Legislator's legislative capacity, communicates with the agency or authority on legislative stationery or makes threats or implications relating to legislative action;

B. Appearing for, representing or advocating for another person in a matter before a state agency or authority if the Legislator oversees the policies of the agency or authority as a result of the Legislator's committee responsibilities, unless:

(1) The appearance, representation or advocacy is provided without compensation and for the benefit of a constituent;

(2) The Legislator is engaged in the conduct of the Legislator's profession and is in good standing with a licensing board that oversees the Legislator's profession;

(3) The appearance, representation or advocacy is provided before a court or office of the judicial branch; or

(4) The representation consists of filing records or reports or performing other routine tasks that do not involve the exercise of discretion on the part of the agency or authority; and

C. Representing or assisting another person in the sale of goods or services to the State, a state agency or a state authority, unless the transaction occurs after public notice and competitive bidding.

**Sec. 16. 3 MRSA §315-A, sub-§1**, as enacted by PL 2005, c. 613, §1, is amended to read:

**1. Registration.** The commission shall prepare and maintain a docket for the registration of lobbyists and employers of lobbyists required to register pursuant to this chapter. The registration docket and all supplementary files of information and materials filed pursuant to this chapter must be open to public inspection during the office hours of the commission. The docket must contain the name of the lobbyist and the person employing the lobbyist, the business address of each, a photograph of the lobbyist,

the joint standing committees of the Legislature the lobbyist intends to lobby, the nature of the business of the person employing the lobbyist and a statement as to the compensation that the lobbyist will receive for lobbying services or, if an exact amount is not ascertainable, the basis upon which the lobbyist will charge for services. This docket must be updated on a monthly basis and arranged and indexed as follows:

- A. An alphabetical listing of those persons who have employed a lobbyist, which listing must indicate the names of all lobbyists employed by the employer; and
- B. An alphabetical listing of those persons employed as lobbyists, which listing must indicate the names of all persons by whom each lobbyist is employed.

The docket must be reestablished annually by the commission and the docket for any year must be maintained and be available for public inspection in the office of the commission for 4 years from the expiration of the docket.

**Sec. 17. 3 MRSA §315-A, sub-§2, ¶C,** as enacted by PL 2005, c. 613, §1, is amended to read:

C. A profile of each registered lobbyist and lobbyist associate, including contact information, the name of the lobbyist's employer or employers ~~and, if provided by the lobbyist or lobbyist associate,~~ a photograph of the lobbyist or lobbyist associate, the name of the joint standing committees of the Legislature before which the lobbyist or lobbyist associate intends to appear, the nature of the business of the person employing the lobbyist or lobbyist associate and a statement as to the compensation that the lobbyist or lobbyist associate will receive for lobbying services or, if an exact amount is not ascertainable, the basis upon which the lobbyist or lobbyist associate will charge for services;

**Sec. 18. 3 MRSA §315-A, sub-§2, ¶E,** as amended by PL 2007, c. 630, §11, is further amended to read:

E. For each employer, a list of all legislative actions that have been the subject of lobbying for the year, including hyperlinks to the summary page of the Legislature's publicly accessible website for each legislative document listed; ~~and~~

**Sec. 19. 3 MRSA §315-A, sub-§2, ¶F,** as enacted by PL 2007, c. 630, §11, is amended to read:

F. A list of officials in the executive branch as defined in section 312-A, subsection 10-C-; and

**Sec. 20. 3 MRSA §315-A, sub-§2, ¶G** is enacted to read:

G. A list for each joint standing committee of the Legislature including the names and photographs of the lobbyists or lobbyist associate who intend to lobby or appear before that committee.

**Sec. 21. 3 MRSA §316, sub-§4-C,** as enacted by PL 2007, c. 630, §12, is amended to read:

**4-C. Website of employer.** The address for the employer's publicly accessible website; ~~and~~

**Sec. 22. 3 MRSA §316, sub-§5,** as amended by PL 1993, c. 446, Pt. A, §13 and affected by §20, is further amended to read:

**5. Compensation.** The amount of compensation that the lobbyist will receive for that lobbyist's services or, if an exact amount is unascertainable, the basis upon which the lobbyist will charge for those services;

**Sec. 23. 3 MRSA §316, sub-§6** is enacted to read:

**6. Photograph.** A photograph in digital format of the lobbyist. The lobbyist shall provide the photograph to the commission. The commission may waive this requirement if the lobbyist has security concerns; and

**Sec. 24. 3 MRSA §316, sub-§7** is enacted to read:

**7. Committees.** The names of the joint standing committees of the Legislature the lobbyist intends to lobby.

**Sec. 25. 21-A MRSA §1013-A, sub-§1, ¶A,** as amended by PL 2007, c. 642, §9 and affected by §14, is further amended to read:

A. No later than 10 days after becoming a candidate and before accepting contributions, making expenditures or incurring obligations, a candidate for state or county office or a candidate for municipal office who has not filed a written notice in accordance with section 1011, subsection 2, paragraph A shall appoint a treasurer. ~~The candidate or the candidate's spouse may not serve as treasurer, except that a candidate certified in accordance with section 1125 may not serve as treasurer.~~ The candidate may have only one treasurer, who is responsible for the filing of campaign finance reports under this chapter. A candidate shall register the candidate's name and address and the name and address of the treasurer appointed under this section no later than 10 days after the appointment of the treasurer. A candidate may accept contributions personally or make or authorize expenditures personally, as long as the candidate reports all contributions and expenditures to the treasurer. The treasurer shall make a consolidated report of all income and expenditures and provide this report to the commission.

(1) A candidate may appoint a deputy treasurer to act in the absence of the treasurer. The deputy treasurer, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. ~~A candidate certified in accordance with section 1125 may not serve as deputy treasurer. The candidate or the candidate's spouse may not serve as deputy treasurer.~~ When a treasurer dies or resigns, the deputy treasurer may not assume the position of treasurer unless the candidate appoints the deputy treasurer to the position of treasurer. The candidate shall report the name and address of the deputy treasurer to the commission no later than 10 days after the deputy treasurer has been appointed.

**Sec. 26. 21-A MRSA §1056-C** is enacted to read:

### **§ 1056-C. Contribution limitations**

A committee required to register under this subchapter may not accept an aggregate amount of contributions exceeding \$10,000 from any one source in an election cycle.

## **SUMMARY**

This bill concerns transparency and accountability in campaigns and legislative ethics. The bill amends the definition of "gift." The bill changes the provisions regarding conflict of interest and undue influence. It makes the legislative standard for conflict of interest more clear and requires that Legislators be financially affected to a significantly greater extent than members in the same enterprise, profession, trade, business or type of employment in order to have a conflict of interest. It requires lobbyists to submit a digital picture and a list of the committees they will be lobbying and the publishing of a lobbyist listing so that Legislators will have a better sense of who the lobbyist they interact with represents. It changes the definition of "close economic associate." It prohibits candidates and their spouses from serving as campaign treasurers and deputy treasurers. It establishes a contribution limit to political action committees of \$10,000 from any one source per election cycle.