

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2175

H. P. 1994

House of Representatives, February 4, 1976

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Farnham of Hampden.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

AN ACT Requiring Disclosure of Communications Made by Elected Public  
Officials to Sensitive Regulatory and Loan Granting Governmental Bodies.

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

1 MRSA c. 27 is enacted to read:

CHAPTER 27

PUBLIC DISCLOSURE OF COMMUNICATIONS MADE BY  
ELECTED PUBLIC OFFICIALS TO SENSITIVE REGULATORY  
AND LOAN GRANTING PUBLIC BODIES

§ 1051. Definitions

As used in this chapter, unless the context otherwise indicates, the following words and phrases shall have the following meanings.

1. Communication. "Communication" shall mean any contact, whether written, verbal or telecommunications, during which is discussed a particular issue, case or business which presently or in the foreseeable future will be before the governmental body for its consideration. "Communication" shall not mean those contacts which take place in the course of public proceedings as defined in section 402.

2. Elected public official. "Elected public official" shall mean any person who occupies a position in the State or Federal Government or in the government of a political subdivision of the State, which is normally filled

through a public or legislative election in Maine, except the President and Vice President of the United States. "Elected public official" shall not mean an attorney whose public office is less than a full-time position, when that attorney's communication with the governmental body is solely in his capacity as an attorney representing a client.

3. **Governmental body.** "Governmental body" shall mean the Maine Guarantee Authority, Veterans Small Business Loan Authority, Municipal Bond Bank, Environmental Protection Board, Housing Authority, Land Use Regulation Commission, Liquor Commission, Lottery Commission, Milk Commission or the Public Utilities Commission.

4. **Representative.** "Representative" shall mean any person communicating with a governmental body, where the person receiving the communication is aware or is made aware that the person initiating the communication is doing so at the request of or on behalf of an elected public official.

#### § 1052. Public disclosure

Any member, agent or employee of a governmental body, who receives a communication from an elected public official or his representative, shall within 7 business days file with the office of the Secretary of State, a public disclosure statement.

#### § 1053. Statement contents

The public disclosure statement shall be filed on a form provided by the office of the Secretary of State and shall include the following information:

1. Name and office of elected public official. The name and office of the elected public official who initiated or on whose behalf communication was initiated;

2. Name and professional relationship to the elected public official. Where applicable, the name and professional relationship to the elected public official of the person making the communication, when made by a representative of an elected public official;

3. Name and relationship to governmental body. The name and relationship to the governmental body of the person who received the communication;

4. Name and business address of the party. The name and business address of the party whose business before the governmental body was the subject of the communication;

5. Date. The date of communication;

6. Brief description of the communication. A brief description of the scope and nature of the communication; and

7. Other information. Any other information deemed advisable by the Secretary of State consistent with the purpose and provisions of this chapter.

#### § 1054. Series of communications

One disclosure statement may be filed for a series of communications where the communications are between the same parties and in reference to the

same business before or to be brought before the governmental body. The statement shall still be filed within 7 days of the first communication in the series.

§ 1055. Powers and duties of the Secretary of State

In order to carry out the purposes of this chapter, the Secretary of State shall have the following powers and duties.

1. Rules and regulations. The Secretary of State may prescribe and publish, after notice and opportunity for public comment, rules and regulations required to carry out this chapter.
2. Forms. The Secretary of State shall furnish forms to persons required to file disclosure statements under this chapter.
3. Public access. The Secretary of State shall maintain public files of such disclosure statements available to anyone who wishes to examine or copy them. The Secretary of State may charge only the actual cost of copying, exclusive of labor costs.

#### STATEMENT OF FACT

Passage of this bill would enact a recommendation of the Governor's Economic Advisory Committee, in that, communications by elected public officials regarding projects or cases before sensitive regulatory and loan granting bodies (specifically the Maine Guarantee Authority) would be made public.

The purpose of this bill is to assure that the decisions of these bodies are made on the basis of substantive rather than political considerations.

Insofar as this bill affects the loan granting bodies, enactment would also strengthen the state's credit rating.