

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

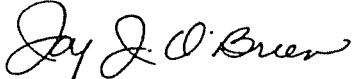
Legislative Document

No. 327

S.P. 170

In Senate, February 22, 1989

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


JOY J. O'BRIEN
Secretary of the Senate

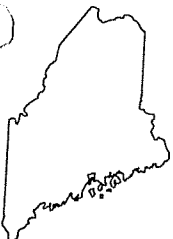
Presented by Senator BOST of Penobscot.

Cosponsored by Representative CARROLL of Gray, Senator BERUBE of Androscoggin and Representative JOSEPH of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Amend the Legislative Disclosure Laws.



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

3 Sec. 1. 1 MRSA §1014, sub-§4 is enacted to read:

5 4. Former Legislator. No former Legislator may knowingly
7 act as an agent or attorney for, or appear personally before, the
9 Legislature for anyone other than the State for an entire
biennium of the Legislature following termination of the
Legislator's term of office.

11 For purposes of this subsection, "Legislature" includes any
13 legislative committee, subcommittee or any board or commission in
which a member of the Legislature participates.

15 Sec. 2. 1 MRSA §§1016 and 1017, as enacted by PL 1975, c.
17 621, §1, are repealed.

19 Sec. 3. 1 MRSA §§1016-A, 1017-A, 1019-A and 1020-A are enacted
to read:

21 §1016-A. Financial disclosure

23 Every Legislator shall complete a financial disclosure form
25 prescribed by the commission and prepared by the Secretary of
27 State which shall be filed with the commission prior to the close
29 of the 2nd week in February of each year. The financial
31 disclosure statement shall be filed with the Secretary of State
as required by this section. The statement is a matter of public
record. Prior to the end of the first week in January in each
year, the Secretary of State shall deliver a form to each of the
members of the Senate and House of Representatives.

33 1. Disclosure of income. The Legislator filing the
35 statement shall specify the names of each source of income which
37 accounts for \$300 or more of the Legislator's income and the
39 percentage of the Legislator's total income that each source
41 comprised. For the purpose of this subchapter, owners of retail
sales and service establishments, including professional
services, shall not be required to list individual customers or
clients for the purpose of identifying sources of income.

43 2. In-kind income. The Legislator shall report income
45 received in-kind, including, but not limited to, the transfer of
property, options to buy or lease and stock certificates by:

47 A. Identifying the specific name of each source of in-kind
income with a value of \$300 or more;

49 B. Describing each type of in-kind income; and

51 C. Establishing the value of each type of income.

1 3. Income not subject to disclosure. Campaign
3 contributions, duly recorded as required by law, are not deemed
 income for the purposes of this section.

5 4. Business with state agencies. Each Legislator shall
7 identify each state agency to which the Legislator or any member
 of the Legislator's immediate family has sold goods or services
9 and the income derived from each agency during the previous
 calendar year.

11 §1017-A. Disclosure of information to protect public interest

13 Each Legislator shall complete a disclosure form prescribed
15 by the commission and prepared by the Secretary of State
 disclosing information for protection of the public interest as
17 required in this section. The requirements of this disclosure
 form may be incorporated with the requirements of the financial
19 disclosure form as defined in section 1016-A, except that the
 financial disclosure information and the public interest
21 information shall be separate sections on the same form. Prior
 to the end of the first week in January in each year, the
23 Secretary of State shall deliver a form to each of the members of
 the Senate and House of Representatives.

25 1. Representation before state agencies. The Legislator
27 shall identify each state agency before which the Legislator has
 represented or assisted others for compensation during the
29 preceding 2 calendar years. The Legislator shall identify the
 persons, firms, corporations and interest groups which the
31 Legislator represented or assisted for compensation before these
 state agencies.

33 2. Attorneys serving as Legislators. Attorneys who are
35 elected to the Maine Legislature shall indicate their major areas
 of law practice and, if associated with a law firm, the major
37 areas of law practice of the firm in such manner as the
 commission requires.

39 §1019-A. Information for Legislators

41 The commission, as close as possible to, but not later than
43 February 1st of each year, shall make a formal presentation to
 the Legislature. The presentation shall describe the provisions
45 of law that apply to legislative ethics. In addition, the
 presentation shall suggest guidelines to assist Legislators in
47 the conduct of legislative business. The commission shall:

1 A. Explain the proper way of completing the Legislator
2 disclosure forms under sections 1016-A and 1017-A; and

3 B. Provide assistance to Legislators upon request with
4 respect to completing the form.

5
6
7 §1020-A. Copy of filing to Legislator

8 Any person who intends to file charges of conflict of
9 interest with the commission or any member of the commission
10 shall provide a copy of the charges to the Legislator against
11 whom the charges will be made. The statement of charges shall be
12 provided to the Legislator at least 7 calendar days prior to the
13 filing of these charges with the commission. The commission
14 shall accept filings under this subchapter only with satisfactory
15 evidence that the complainant has provided a copy to the
16 Legislator who is the subject of the charges in accordance with
17 this section.

18
19 1. Contents of filing. Any charges filed with the
20 commission shall:

21
22 A. Concisely state the alleged violations of law and cite
23 the provisions of the Maine Revised Statutes which serve as
24 the basis for the charges; and

25
26 B. Briefly describe the events that occurred and led to the
27 filing of the charges.

28
29
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31 **STATEMENT OF FACT**

32
33
34 This bill creates more stringent conflict of interest
35 provisions than currently apply to state Legislators. This bill:

36
37 1. Establishes a "revolving door" provision that prohibits
38 Legislators from serving as lobbyists and agents for others
39 before legislative committees for an entire biennium following
40 the termination of their terms of office;

41
42 2. Requires Legislators to disclose their specific sources
43 of income which individually account for \$300 or more of income.
44 Legislators are required to identify the source and state the
45 percentage of total income that each source comprises. Owners of
46 retail stores and services and professional people are not
47 required to identify individual clients or customers for income
48 disclosure purposes;

1 3. Requires Legislators to disclose the names of state
3 agencies before which the Legislator represented persons, firms,
or organizations for compensation for the previous 2-year period;

5 4. Retains the current provisions concerning disclosure by
7 attorneys who are elected to the Legislature;

9 5. Retains the current provision requiring Legislators to
11 disclose state agencies to which the Legislator has sold goods or
services;

13 6. Requires the Commission on Governmental Ethics and
15 Election Practices to formally brief state Legislators, no later
than February 1st, annually, with respect to the legislative
ethics law and completion of disclosure forms; and

17 7. Requires any person who intends to file charges with the
19 commission against a Legislator of conflict of interest to
21 provide the Legislator with a copy of the statement of charges at
least 7 days prior to the filing of these charges with the
commission. The statement of charges is required to:

23 A. Concisely state the alleged violations of law and cite
25 the provisions of Maine law that serve as the basis for the
charges; and

27 B. Briefly describe the events that occurred and led to the
29 filing of the charges.