

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

---

Legislative Document

No. 1212

---

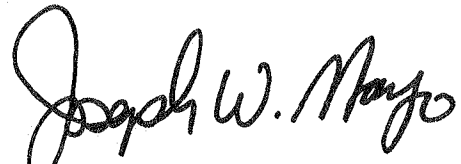
H.P. 895

House of Representatives, February 25, 1997

### **An Act to Strengthen Legislative Ethics Laws.**

---

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative DONNELLY of Presque Isle.  
Cosponsored by Senator BENNETT of Oxford and  
Representatives: CAMPBELL of Holden, MARVIN of Cape Elizabeth, Senator: KIEFFER of  
Aroostook.

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

2  
4       **Sec. 1. 1 MRSA §1012, sub-§10** is enacted to read:

6       10. Principal. "Principal" means a person who agrees to  
8       reimburse for expenditures or to compensate a person who in  
10       return agrees to engage in lobbying, as defined in Title 3,  
12       section 312-A, on the principal's behalf. Principal includes any  
14       political action committee as defined in Title 3, section 312-A,  
16       that communicates through or uses the services of a lobbyist, as  
18       defined in Title 3, section 312-A, to make campaign contributions  
20       or to influence in any way the political process.

22       **Sec. 2. 1 MRSA §1024** is enacted to read:

24       **§1024. Gifts**

26       1. Accepting or soliciting gifts. An official in the  
28       legislative branch, as defined in Title 3, section 312-A, and in  
30       this section referred to as the "official," may not accept or  
32       solicit any gift from a lobbyist, as defined in Title 3, section  
34       312-A or principal, except:

36       A. Campaign contributions in the year of the general  
38       election between April 1st and the day of the general  
40       election, but only if the Legislature is not in session;

42       B. Campaign contributions by a lobbyist to the lobbyist's  
44       campaign for election to the Senate or House of  
46       Representatives;

48       C. Transportation, lodging, food, meals, beverages or any  
50       other gift that is also made available to the general public;

52       D. Compensation or employee benefits from a principal when  
54       the employee is a candidate for the Senate or House of  
56       Representatives but not an incumbent or a legislative  
58       employee, if the principal or employee can demonstrate by  
60       clear and convincing evidence that the principal's  
62       employment of the employee and the compensation and employee  
64       benefits paid to the employee are unrelated to the  
66       candidacy. If the employee was employed by the principal  
68       prior to the date exactly one year before the deadline for  
70       registering the candidate's name with the Commission on  
72       Governmental Ethics and Election Practices as required under  
74       Title 21-A, section 1013-A, subsection 1, paragraph A and  
76       the employment continues uninterrupted, without augmentation  
78       of compensation or employee benefits except as provided by  
80       preexisting employment agreement, it is rebuttably presumed

2 that the employment and compensation and benefits paid are  
3 unrelated to the candidacy;

4 E. Gifts from a lobbyist or principal who lives in the same  
5 household as the official;

6 F. Gifts from a principal that is a local governmental unit  
7 to an official who is also an elected official of that local  
8 governmental unit, in an amount not exceeding the amount  
9 received by other similarly situated elected officials of  
10 the same local governmental unit;

11 G. A per diem or reimbursement for actual and reasonable  
12 expenses from a principal that is a local governmental unit  
13 to an official who is also an appointed official of that  
14 local governmental unit, in an amount not exceeding the  
15 amount received by other similarly situated appointed  
16 officials of the same local governmental unit;

17 H. Gifts from a lobbyist or principal to an employee of  
18 that lobbyist or principal who is an official and the gifts  
19 are made solely because of membership on a state commission,  
20 board, council, committee or similar body if the gift is not  
21 in excess of that customarily provided by the employer to  
22 similarly situated employees and if the official receives no  
23 compensation for services other than a per diem or  
24 reimbursement for actual and necessary expenses incurred in  
25 the performance of that official's duties;

26 I. Educational or informational material;

27 J. An honorarium or other reimbursement or payment of  
28 actual and reasonable expenses and compensation for a  
29 published work or for the presentation of a talk or  
30 participation in a meeting related to discussion and  
31 interpretation of legislative, administrative, executive or  
32 judicial processes if the payment, reimbursement or  
33 compensation is paid or arranged by the organizer of the  
34 event or the publisher of the work;

35 K. Any gift if the activity or occasion for which it is  
36 given is unrelated to the official's use of the State's  
37 time, facilities, services or supplies not generally  
38 available to all citizens of this State and the official can  
39 show by clear and convincing evidence that the payment or  
40 reimbursement was unrelated to and did not arise from the  
41 official's holding or having held a public office and was  
42 paid for a purpose unrelated to the purposes specified in  
43 paragraph J; and

2 L. Transportation, lodging, meals, food or beverage or  
3 reimbursement therefor or payment or reimbursement of actual  
4 and reasonable costs, received from the State or on behalf  
5 of the State, that the official can show by clear and  
6 convincing evidence were incurred or received on behalf of  
7 the State and primarily for the benefit of the State and not  
8 primarily for the private benefit of the official or any  
9 other person.

10  
11 **SUMMARY**

12  
13 This bill enacts rules governing gifts from a lobbyist or a  
14 lobbyist's principal to Legislators, candidates for state  
15 legislative office and legislative employees.  
16