

MAINE STATE LEGISLATURE

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DATE: 5-5-03

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MAJORITY
LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 981, L.D. 1336, Bill, "An Act to Strengthen the Governmental Ethics Laws"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 1 MRSA §1012, sub-§1-A is enacted to read:

1-A. Associated organization. "Associated organization" means any organization in which a Legislator or a Legislator's spouse is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity.

Sec. 2. 1 MRSA §1015, sub-§4 is enacted to read:

4. Contract with state governmental agency. A Legislator or an associated organization may not enter with a state governmental agency into any contract that is to be paid in whole or in part out of governmental funds, when such a contract is normally awarded through a process of public notice and competitive bidding, unless the contract has been awarded through a process of public notice and competitive bidding.

Sec. 3. 1 MRSA §1016-D is enacted to read:

§1016-D. Disclosure of bids on government contracts

When a Legislator or associated organization bids on a contract with a state governmental agency, the Legislator or associated organization shall file a statement with the commission no later than 5:00 p.m. on the day the bid is submitted that discloses the subject of the bid and the names of the Legislator, associated organization and state governmental agency as appropriate. The bid disclosure statement filed under this section must be on a form prescribed by the commission and is a public record as defined in section 402.

Sec. 4. 1 MRSA §1017-A is enacted to read:

§1017-A. Civil penalties; late and incomplete statements; failure to file

A Legislator who fails to file a statement in accordance with this subchapter may be assessed a fine of \$10 for each business day the statement is filed late. A statement is not considered filed unless it substantially conforms to the requirements of this subchapter and is properly signed. The commission shall determine whether a statement substantially conforms to the requirements of this subchapter.'

SUMMARY

This amendment replaces the bill and is the majority report. The amendment retains the provision of the bill that prohibits a Legislator or associated organization from bypassing the bidding process when entering into a contract with a state governmental agency. The amendment adds a provision that requires a Legislator to disclose any bid made by the Legislator or associated organization on a contract with a state governmental agency. The amendment deletes the provision requiring a Legislator to disclose the identities of associated organizations and disclose real property holdings. The amendment retains the provision regarding civil penalties for late or incomplete filings with the Commission on Governmental Ethics and Election Practices.

FISCAL NOTE REQUIRED
(See attached)



**121st Maine Legislature
Office of Fiscal and Program Review**

LD 1336

An Act to Strengthen the Governmental Ethics Laws

LR 1268(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Majority Report

Fiscal Note

Minor revenue increase - General Fund