

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2178

S.P. 838

January 28, 2008

An Act To Increase Public Confidence in Government by Expanding Public Disclosure

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by President EDMONDS of Cumberland.

Cosponsored by Speaker CUMMINGS of Portland and Senators: BARTLETT of Cumberland, MARRACHÉ of Kennebec, MITCHELL of Kennebec, PLOWMAN of Penobscot, STRIMLING of Cumberland, Representatives: CANAVAN of Waterville, PINGREE of North Haven.

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

2 **Sec. 1. 1 MRSA §1016-A, sub-§4**, as amended by PL 1989, c. 608, §2, is further
3 amended to read:

4 **4. Disclosure of income of immediate family.** The Legislator shall disclose the
5 type of economic activity representing each source of income of \$1,000 or more that any
6 member of the immediate family of the Legislator received and the name of that member
7 of the Legislator's immediate family.

8 **Sec. 2. 1 MRSA §1016-E** is enacted to read:

9 **§1016-E. Disclosure of interests**

10 Each Legislator shall file with the commission by 5:00 p.m. on February 15th of each
11 year on the form provided by the commission a statement of those interests and positions
12 set forth in this section that were held in the preceding calendar year. Prior to the end of
13 the first week in January of each year, the commission shall deliver a form to each
14 Senator and member of the House of Representatives. The statement of interests is a
15 public record.

16 **1. Disclosure of real property interests.** A Legislator filing a statement under this
17 section shall report:

18 A. The location of each piece of real property in which the Legislator holds an
19 interest or interests with a total value of \$10,000 or more, the type of interest or
20 interests and the approximate value of the interest or interests; and

21 B. For each real property interest or interests with a total value of \$10,000 or more
22 held by a member of the Legislator's immediate family, the name of the family
23 member who holds the interest or interests, the location of the real property in which
24 the interest or interests are held and the approximate value of the interest or interests.

25 **2. Disclosure of investment information.** A Legislator filing a statement under this
26 section shall report:

27 A. The value amount of each investment interest greater than \$2,500 held by the
28 Legislator; and

29 B. The value amount of each investment interest greater than \$2,500 held by a
30 member of the Legislator's immediate family and the name of that member of the
31 Legislator's immediate family.

32 For purposes of this subsection, "investment interest" includes stock holdings, corporate
33 bonds, closely held businesses and other ownership interests.

34 **3. Disclosure of officer or director position.** A Legislator filing a statement under
35 this section shall report:

36 A. Any offices, trusteeships, directorships or positions of any nature, whether
37 compensated or uncompensated, held by the Legislator in the preceding calendar year

1 with any for-profit or nonprofit firm, corporation, association, partnership or
2 business; and

3 B. Any offices, trusteeships, directorships or positions of any nature, whether
4 compensated or uncompensated, held by a member of the immediate family of the
5 Legislator with any for-profit or nonprofit firm, corporation, association, partnership
6 or business and the name of that member of the Legislator's immediate family.

7 **Sec. 3. 1 MRSA §1016-F** is enacted to read:

8 **§1016-F. Internet disclosure**

9 The commission shall publish on its publicly accessible website the completed forms
10 submitted by Legislators pursuant to sections 1016-A, 1016-B, 1016-D, 1016-E and 1018
11 and by candidates for the Legislature pursuant to section 1016-C.

12 **Sec. 4. 5 MRSA §19, sub-§2, ¶D**, as amended by PL 1989, c. 608, §3, is further
13 amended to read:

14 D. The type of economic activity representing each source of income of \$1,000 or
15 more that any member of the immediate family of the executive employee received
16 and the name of that family member of the executive employee;

17 **Sec. 5. 5 MRSA §19, sub-§2-A** is enacted to read:

18 **2-A. Statement of interests.** Each executive employee shall annually file with the
19 Secretary of State a sworn and notarized statement of those interests and positions set
20 forth in this subsection for the preceding calendar year. The statement must include:

21 A. The location of each piece of real property in which the executive employee holds
22 an interest or interests with a total value of \$10,000 or more, the type of interest or
23 interests and the approximate value of the interest or interests;

24 B. For each real property interest or interests with a total value of \$10,000 or more
25 held by a member of the executive employee's immediate family, the name of the
26 family member who holds the interest or interests, the location of the real property in
27 which the interest or interests are held and the approximate value of the interest or
28 interests;

29 C. Any offices, trusteeships, directorships or positions of any nature, whether
30 compensated or uncompensated, held by the executive employee with any for-profit
31 or nonprofit firm, corporation, association, partnership or business;

32 D. Any offices, trusteeships, directorships or positions of any nature, whether
33 compensated or uncompensated, held by a member of the immediate family of the
34 executive employee with any for-profit or nonprofit firm, corporation, association,
35 partnership or business and the name of that member of the executive employee's
36 immediate family;

37 E. The value amount of each investment interest greater than \$2,500 held by the
38 executive employee; and

1 F. The value amount of each investment interest greater than \$2,500 held by a
2 member of the executive employee's immediate family and the name of that member
3 of the executive employee's immediate family.

4 For purposes of this subsection, "investment interest" includes stock holdings, corporate
5 bonds, closely held businesses and other ownership interests.

6 **Sec. 6. 5 MRSA §19, sub-§6**, as enacted by PL 1979, c. 734, §2, is amended to
7 read:

8 **6. Public record.** Statements filed under this section are public records. The
9 Secretary of State shall publish on a publicly accessible website the completed forms of
10 executive employees filed under this section.

11 **SUMMARY**

12 This bill expands the list of information that Legislators and executive branch
13 officials are required to list on financial disclosures to include information on real estate
14 interests, investment interests, positions held as officers and directors of entities and the
15 names of and interests held by immediate family members of Legislators and executive
16 branch officials. The bill also requires that completed disclosure forms of Legislators and
17 executive employees, including the Governor, be made available over the Internet. The
18 requirement for Internet publication of the completed forms applies to Legislators'
19 disclosure of sources of income, reportable liabilities, bids on government contracts and
20 updating statements and candidate disclosure forms and executive employee statements
21 of sources of income.