

# MAINE STATE LEGISLATURE

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Date: 4-15-08

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to H.P. 1585,  
L.D. 2219, Bill, "An Act To Promote Transparency and Accountability in Campaigns and  
Governmental Ethics"

Amend the amendment in section 10 in §1014 by striking out all of subsection 2  
(page 5, lines 10 to 23 in amendment) and inserting the following:

~~'2. Undue influence. It is presumed that a conflict of interest exists where there are  
circumstances which involve a substantial risk of undue influence by a Legislator,  
including but not limited to the following cases:~~

~~A. Appearing for, representing or assisting another in a matter before a state agency  
or authority, unless without compensation and for the benefit of a constituent, except  
for attorneys or other professional persons engaged in the conduct of their  
professions:~~

~~(1) Even in the excepted cases, an attorney or other professional person must  
refrain from references to his legislative capacity, from communications on  
legislative stationery and from threats or implications relating to legislative  
action:~~

~~B. Representing or assisting another in the sale of goods or services to the State, a  
state agency or authority, unless the transaction occurs after public notice and  
competitive bidding.~~

2-A. Undue influence. It is a violation of legislative ethics for a Legislator to  
engage in conduct that constitutes the exertion of undue influence, including, but not  
limited to:

A. Appearing for, representing or advocating for another person in a matter before a  
state agency or authority, for compensation other than compensation as a Legislator,  
if the Legislator makes reference to that Legislator's legislative capacity,  
communicates with the agency or authority on legislative stationery or makes threats  
or implications relating to legislative action;

B. Appearing for, representing or advocating for another person in a matter before a  
state agency or authority if the Legislator is a member of legislative leadership or the

1 Legislator oversees the policies of the agency or authority as a result of the  
2 Legislator's committee responsibilities, unless:

3 (1) The appearance, representation or advocacy is provided without  
4 compensation and for the benefit of a constituent;

5 (2) The Legislator is engaged in the conduct of the Legislator's profession and is  
6 in good standing with a licensing board that oversees the Legislator's profession;

7 (3) The appearance, representation or advocacy is provided before a court or  
8 office of the judicial branch; or

9 (4) The representation consists of filing records or reports or performing other  
10 routine tasks that do not involve the exercise of discretion on the part of the  
11 agency or authority; and

12 C. Representing or assisting another person in the sale of goods or services to the  
13 State, a state agency or a state authority, unless the transaction occurs after public  
14 notice and competitive bidding.'

15 Amend the amendment by striking out all of section 12 (page 6, lines 5 to 29 in  
16 amendment) and inserting the following:

17 **'Sec. 12. 21-A MRS §1013-A, sub-§1, ¶A, as corrected by RR 1995, c. 2, §35,**  
18 **is amended to read:**

19 A. No later than 10 days after becoming a candidate and before accepting  
20 contributions, making expenditures or incurring obligations, a candidate for state or  
21 county office or a candidate for municipal office who has not filed a written notice in  
22 accordance with section 1011, subsection 2, paragraph A shall appoint a treasurer.  
23 The candidate may serve as treasurer. The candidate may have only one treasurer,  
24 who is responsible for the filing of campaign finance reports under this chapter. A  
25 candidate shall register the candidate's name and address and the name and address of  
26 the treasurer appointed under this section no later than 10 days after the appointment  
27 of the treasurer. A candidate may accept contributions personally or make or  
28 authorize expenditures personally, as long as the candidate reports all contributions  
29 and expenditures to the treasurer. The treasurer shall make a consolidated report of  
30 all income and expenditures and provide this report to the commission. If a certified  
31 candidate serves as treasurer of that candidate's campaign, the certified candidate  
32 must be audited.

33 (1) A candidate may appoint a deputy treasurer to act in the absence of the  
34 treasurer. The deputy treasurer, when acting in the absence of the treasurer, has  
35 the same powers and responsibilities as the treasurer. When a treasurer dies or  
36 resigns, the deputy treasurer may not assume the position of treasurer unless the  
37 candidate appoints the deputy treasurer to the position of treasurer. The  
38 candidate shall report the name and address of the deputy treasurer to the  
39 commission no later than 10 days after the deputy treasurer has been appointed.'

40 Amend the amendment on page 6 by striking out all of the 3rd indented paragraph  
41 (page 6, line 30 in amendment).

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to H.P. 1585, L.D. 2219

- 1 Amend the amendment by striking out all of section 16.
- 2 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
- 3 or section number to read consecutively.

4 **SUMMARY**

5 This amendment clarifies the provisions regarding undue influence to include  
6 members of legislative leadership. The amendment also removes the provision that a  
7 Maine Clean Election Act candidate may not serve as that candidate's treasurer or deputy  
8 treasurer and replaces it with a provision that if the candidate serves as that candidate's  
9 treasurer, the candidate must be audited.

10 **SPONSORED BY:** John L. Patrick  
11 **(Representative PATRICK)**  
12 **TOWN: Rumford**