

MAINE STATE LEGISLATURE

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LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 766, L.D. 1111, Bill, "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics"

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

'Sec. 1. 1 MRSA §1012, sub-§4, as amended by PL 2007, c. 642, §4, is further amended to read:**4. Gift.** "Gift" means anything of value, including forgiveness of an obligation or debt, given to a person without that person providing equal or greater consideration to the giver. "Gift" does not include:

A. Gifts received from a single source during the reporting period with an aggregate value of \$300 or less;

B. A bequest or other form of inheritance;

C. A gift received from a relative or from an individual on the basis of a personal friendship as long as that individual is not a registered lobbyist or lobbyist associate under Title 3, section 313, unless the Legislator has reason to believe that the gift was provided because of the Legislator's official position and not because of a personal friendship;

D. A subscription to a newspaper, news magazine or other news publication; or

E. Legal services provided in a matter of legislative ethics;

F. A meal, if the meal is a prayer breakfast or a meal served during a meeting to establish a prayer breakfast; orG. A meal, if the meal is provided by industry or special interest organizations as part of the informational program presented to a group of public servants.**Sec. 2. 1 MRSA §1014, sub-§2**, as amended by PL 2007, c. 642, §7, is repealed.**Sec. 3. 1 MRSA §1014, sub-§2-A** is enacted to read:

1 **2-A. Undue influence.** It is a violation of legislative ethics for a Legislator to
2 engage in conduct that constitutes the exertion of undue influence, including, but not
3 limited to:

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

9 B. Appearing for, representing or advocating for another person in a matter before a
10 state agency or authority if the Legislator oversees the policies of the agency or
11 authority as a result of the Legislator's committee responsibilities, unless:

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

14 (2) The Legislator is engaged in the conduct of the Legislator's profession and is
15 in good standing with a licensing board, if any, that oversees the Legislator's
16 profession;

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

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

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

25 SUMMARY

26 This amendment replaces the bill. Like the bill, this amendment makes changes to
27 the type of conduct that would be considered undue influence, which is a violation of
28 legislative ethics, by a Legislator. In addition, this amendment clarifies the definition of
29 "gift" for the purposes of governing legislative ethics.