

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1260

S.P. 381

In Senate, March 22, 2011

### An Act To Improve Transparency in Maine Government

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Reference to the Committee on State and Local Government suggested and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator PATRICK of Oxford.

Cosponsored by Senators: BARTLETT of Cumberland, JACKSON of Aroostook,

Representative: CAREY of Lewiston.

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

2 **Sec. 1. 1 MRSA §402, sub-§2, ¶F**, as amended by PL 2009, c. 334, §2, is further  
3 amended to read:

4 F. Any advisory organization, including any authority, board, commission,  
5 committee, council, task force or similar organization of an advisory nature,  
6 established, authorized or organized by law or resolve or by Executive Order issued  
7 by the Governor and not otherwise covered by this subsection, unless the law, resolve  
8 or Executive Order establishing, authorizing or organizing the advisory organization  
9 specifically exempts the organization from the application of this subchapter; ~~and~~

10 **Sec. 2. 1 MRSA §402, sub-§2, ¶G**, as enacted by PL 2009, c. 334, §3, is  
11 amended to read:

12 G. The committee meetings, subcommittee meetings and full membership meetings  
13 of any association that:

14 (1) Promotes, organizes or regulates statewide interscholastic activities in public  
15 schools or in both public and private schools; and

16 (2) Receives its funding from the public and private school members, either  
17 through membership dues or fees collected from those schools based on the  
18 number of participants of those schools in interscholastic activities.

19 This paragraph applies to only those meetings pertaining to interscholastic sports and  
20 does not apply to any meeting or any portion of any meeting the subject of which is  
21 limited to personnel issues, allegations of interscholastic athletic rule violations by  
22 member schools, administrators, coaches or student athletes or the eligibility of an  
23 individual student athlete or coach; ~~and~~

24 **Sec. 3. 1 MRSA §402, sub-§2, ¶H** is enacted to read:

25 H. The transition team of a Governor-elect.

26 **Sec. 4. 1 MRSA §402, sub-§5** is enacted to read:

27 **5. Public records of transition team of Governor-elect.** Any records of or relating  
28 to the transition team of a Governor-elect are public records.

29 **Sec. 5. 1 MRSA §1012, sub-§1**, as repealed and replaced by PL 1989, c. 561, §4,  
30 is amended to read:

31 **1. Close economic associate.** "Close economic ~~association~~ associate" means the  
32 employers, employees, partners or clients of the Legislator or a member of the  
33 Legislator's immediate family; ~~corporations~~ entities in which the Legislator or a member  
34 of the Legislator's immediate family is an officer, director or agent or owns 10% or more  
35 of the outstanding capital stock; a business ~~which that~~ is a significant unsecured creditor  
36 of the Legislator or a member of the Legislator's immediate family; or a business of  
37 which the Legislator or a member of the Legislator's immediate family is a significant  
38 unsecured creditor.

1           **Sec. 6. 1 MRSA §1014, sub-§1, ¶A**, as amended by PL 2007, c. 642, §7, is  
2 further amended to read:

3           A. When a Legislator ~~or~~ a member of the Legislator's immediate family ~~has or~~  
4 ~~acquires a direct substantial personal financial interest, distinct from that of the~~  
5 ~~general public, in an enterprise that would be financially benefited by proposed~~  
6 ~~legislation, or derives a direct substantial personal financial benefit from close~~  
7 ~~economic association with a person known by the Legislator to have a direct financial~~  
8 ~~interest in an enterprise affected by proposed legislation or a close economic~~  
9 ~~associate of the Legislator would derive a benefit from, or be harmed by, proposed~~  
10 ~~legislation to a significantly greater extent than others in the same enterprise,~~  
11 ~~profession, trade, business or type of employment;~~

12           **Sec. 7. 1 MRSA §1014, sub-§1, ¶E**, as amended by PL 2007, c. 642, §7, is  
13 further amended to read:

14           E. When a Legislator or a member of the Legislator's immediate family accepts or  
15 engages in employment that could impair the Legislator's judgment, or when the  
16 Legislator knows that there is a substantial possibility that an opportunity for  
17 employment is being afforded the Legislator or a member of the Legislator's  
18 immediate family with intent to influence the performance of the Legislator's official  
19 duties, or when the Legislator or a member of ~~his~~ the Legislator's immediate family  
20 stands to derive a personal private gain or loss from employment, because of  
21 legislative action, distinct from the gain or losses of other employees or the general  
22 community; ~~and~~

23           **Sec. 8. 1 MRSA §1014, sub-§1, ¶F**, as amended by PL 2007, c. 642, §7, is  
24 further amended to read:

25           F. When a Legislator or a member of the Legislator's immediate family has an  
26 interest in legislation relating to a profession, trade, business or employment in which  
27 the Legislator or a member of the Legislator's immediate family is engaged and the  
28 benefit derived by the Legislator or a member of the Legislator's immediate family is  
29 unique and distinct from that of the general public or persons engaged in similar  
30 professions, trades, businesses or employment-; and

31           **Sec. 9. 1 MRSA §1014, sub-§1, ¶G** is enacted to read:

32           G. When a Legislator, a member of the Legislator's immediate family or a close  
33 economic associate of the Legislator is a member of a small group of persons or  
34 entities that would derive a significant benefit or harm from proposed legislation;

35           **Sec. 10. 3 MRSA §328** is enacted to read:

36           **§328. Former Legislators**

37           A person who served as a Legislator may not lobby until one year after that person's  
38 term as a Legislator ends.

39           **Sec. 11. 3 MRSA §329** is enacted to read:

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**§329. Former lobbyists**

A person who has been registered as a lobbyist under section 313 may not serve as an official in the executive branch until one year after that person's registration as a lobbyist expires.

**SUMMARY**

Under current law and rules of the Legislature, a Legislator is prohibited from voting on legislation on the grounds of conflict of interest only if the Legislator or certain family members or business associates would derive a unique and distinct benefit from the legislation. This bill provides that a Legislator faces a conflict of interest in voting if the Legislator or an immediate family member or close economic associate of the Legislator would be benefited or harmed by the legislation to a degree that is significantly greater than similarly situated persons or entities, or the Legislator, a member of the Legislator's immediate family or a close economic associate is a member of a small group of persons or entities that would derive a significant benefit or harm from the proposed legislation.

The bill also prohibits a person who served as a Legislator from lobbying until one year after that person's term as a Legislator ends and prohibits a person who has been registered as a lobbyist from serving as an official in the executive branch until one year after that person's registration as a lobbyist expires.

The bill subjects the transition team of a Governor-elect to the laws governing freedom of access.