

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 25, 2019**

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 16, 2020**

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

**Augusta, Maine
2020**

Initiative: Provides one-time deappropriations and deallocations for funding carried forward in the baseline for the nursing facility supplemental wage allowance.

GENERAL FUND	2019-20	2020-21
All Other	(\$5,400,000)	(\$5,400,000)
GENERAL FUND TOTAL	<u>(\$5,400,000)</u>	<u>(\$5,400,000)</u>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	(\$9,517,127)	(\$9,517,127)
FEDERAL EXPENDITURES FUND TOTAL	<u>(\$9,517,127)</u>	<u>(\$9,517,127)</u>

PNMI Room and Board Z009

Initiative: Provides one-time appropriations and allocations for residential care facility supplemental wage allowance.

GENERAL FUND	2019-20	2020-21
All Other	\$401,361	\$401,361
GENERAL FUND TOTAL	<u>\$401,361</u>	<u>\$401,361</u>

HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$520,000	\$520,000
FEDERAL EXPENDITURES FUND	\$209,093	\$209,094
DEPARTMENT TOTAL - ALL FUNDS	<u>\$729,093</u>	<u>\$729,094</u>

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective January 12, 2020.

**CHAPTER 534
S.P. 18 - L.D. 54**

An Act To Limit the Influence of Lobbyists by Expanding the Prohibition on Accepting Political Contributions

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

Sec. 1. 1 MRSA §1012, sub-§10, as enacted by PL 2007, c. 642, §5, is amended to read:

10. Violation of legislative ethics. "Violation of legislative ethics" means a violation of the prohibitions in section 1014 or ~~1015~~ 1015-A.

Sec. 2. 1 MRSA §1013, sub-§2, ¶B-1, as amended by PL 2011, c. 471, §2, is further amended to read:

B-1. Any person may file a complaint against a Legislator alleging a violation of legislative ethics only as described in sections 1014 and ~~1015~~ 1015-A. The complaint must be filed in writing and signed under oath and must specify the facts of the alleged violation citing the specific provisions of sections 1014 and ~~1015~~ 1015-A that are alleged to have been violated, the approximate date of the alleged violation and such other information as the commission requires. A complainant shall agree in writing not to disclose any information about the complaint during the time the commission is determining whether or not to pursue the complaint or during the investigation of a complaint. A complaint that does not meet the criteria of this paragraph is considered incomplete and will not be forwarded to the commission.

(1) The Legislator against whom a complaint is filed must immediately be given a copy of the complaint and the name of the complainant. Before deciding whether to conduct an investigation or to hold any hearings, the commission shall afford the Legislator an opportunity to answer the complaint in writing and in person to the commission. The commission staff may gather preliminary factual information that will assist the commission in deciding whether to conduct a full investigation or to hold hearings.

(2) The commission shall consider only complaints against Legislators in office at the time of the filing of the complaint and only complaints relating to activity that occurred or was ongoing within 2 years of the complaint. Upon a majority vote of the commission, the commission shall conduct an investigation and hold hearings as it determines necessary.

(3) The commission shall issue its findings of fact together with its opinion regarding the alleged violation of legislative ethics to the legislative body of which the Legislator concerned is a member. That legislative body may take whatever action it determines appropriate, in accordance with the Constitution of Maine.

(4) If the commission determines that a Legislator has potentially violated professional standards set by a licensing board, its opinion and such other information as may be appropriate must be referred to the licensing board that oversees the Legislator's professional conduct.

Sec. 3. 1 MRSA §1015, as amended by PL 2009, c. 286, §1, is repealed.

Sec. 4. 1 MRSA §1015-A is enacted to read:
§1015-A. Campaign contributions and solicitations prohibited

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Contribution" has the same meaning as in Title 21-A, section 1012, subsection 2 and includes seed money contributions as defined in Title 21-A, section 1122, subsection 9, and, with respect to political action committees and ballot question committees, includes contributions as defined in Title 21-A, section 1052, subsection 3. "Contribution" does not include qualifying contributions as defined in Title 21-A, section 1122, subsection 7.

B. "Employer" has the same meaning as in Title 3, section 312-A, subsection 5. "Employer" does not include a lobbying firm.

C. "Legislative session" means the period of time after the convening of the Legislature and before final adjournment.

D. "Lobbying firm" means a partnership, corporation, limited liability company or unincorporated association that employs or contracts with more than one lobbyist or lobbyist associate and that receives or is entitled to receive monetary or in-kind compensation for engaging in lobbying, as defined in Title 3, section 312-A, subsection 9, either directly or through its employees or agents.

E. "Lobbyist" has the same meaning as in Title 3, section 312-A, subsection 10.

F. "Lobbyist associate" has the same meaning as in Title 3, section 312-A, subsection 10-A.

2. Campaign contributions and solicitations prohibited during legislative session. The following provisions prohibit certain contributions and solicitations and offers of contributions during a legislative session.

A. The Governor, a member of the Legislature, a constitutional officer or the staff or agent of these officials may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate, employer of a lobbyist or lobbying firm during a legislative session.

B. A lobbyist, lobbyist associate, employer of a lobbyist or lobbying firm may not intentionally give, offer or promise a contribution to the Governor, a member of the Legislature, a constitutional officer or the staff or agent of these officials during a legislative session.

C. The prohibitions in paragraphs A and B apply to contributions directly and indirectly solicited or accepted by or given, offered and promised to a political action committee, ballot question committee or party committee of which the Governor, a member of the Legislature, a constitutional officer or the

staff or agent of these officials is a treasurer, officer or primary fund-raiser or decision maker.

D. The prohibitions in paragraphs A and B do not apply to the following:

(1) The solicitation or acceptance of a contribution from or the offer or promise of a contribution by a lobbyist, lobbyist associate, employer of a lobbyist or lobbying firm that is not the property of that lobbyist, lobbyist associate, employer of a lobbyist or lobbying firm;

(2) The solicitation or acceptance of a contribution from or the offer or promise of a contribution by an employer of a lobbyist or lobbying firm related to a special election to fill a vacancy from the time of announcement of the election until the election; or

(3) The solicitation or acceptance of a contribution from or the offer or promise of a contribution by a lobbyist or lobbyist associate related to a special election to fill a vacancy from the time of announcement of the election until the election if the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in the district where the special election will appear on the ballot.

3. Campaign contributions and solicitations prohibited when Legislature not in legislative session. The following provisions prohibit certain contributions and solicitations and offers of contributions when the Legislature is not in legislative session.

A. When the Legislature is not in legislative session, the Governor, a member of the Legislature or the staff or agent of these officials may not intentionally solicit or accept a contribution from a lobbyist or lobbyist associate unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the Governor or member of the Legislature will appear on the ballot.

B. When the Legislature is not in legislative session, a lobbyist or lobbyist associate may not intentionally give, offer or promise a contribution to the Governor, a member of the Legislature or the staff or agent of these officials unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the Governor or member of the Legislature will appear on the ballot.

C. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by a lobbyist or lobbyist associate that is not the property of that lobbyist or lobbyist associate.

D. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by an employer of a lobbyist or a lobbying firm.

4. Campaign contributions and solicitations prohibited at all times. The following provisions prohibit certain contributions and solicitations and offers of contributions at all times, regardless of whether the Legislature is in legislative session.

A. A gubernatorial or legislative candidate who is not the Governor or a member of the Legislature, or the staff or agent of a gubernatorial or legislative candidate, may not intentionally solicit or accept a contribution from a lobbyist or lobbyist associate unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the gubernatorial or legislative candidate will appear on the ballot.

B. A lobbyist or lobbyist associate may not intentionally give, offer or promise a contribution to a gubernatorial or legislative candidate who is not the Governor or a member of the Legislature, or the staff or agent of a gubernatorial or legislative candidate, unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the gubernatorial or legislative candidate will appear on the ballot.

C. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by a lobbyist or lobbyist associate that is not the property of that lobbyist or lobbyist associate.

D. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by an employer of a lobbyist or lobbying firm.

5. Exceptions. This section does not prohibit any of the following.

A. The solicitation, acceptance, offer or gift of money or anything of value for bona fide social events hosted for nonpartisan, charitable purposes.

B. The solicitation, acceptance, offer or promise of contributions to a member of the Legislature supporting that member's campaign for federal office.

C. The attendance of the Governor, a member of the Legislature, a constitutional officer, a gubernatorial or legislative candidate or the staff or agent of these persons at fund-raising events held by a municipal, county, state or national political party organized pursuant to Title 21-A, chapter 5, nor the advertisement of the expected presence of any such person at any such event, as long as any such person has no involvement in soliciting attendance at the event and all proceeds are paid directly to the

political party organization hosting the event or a nonprofit charitable organization.

6. Violations. The commission may undertake investigations to determine whether any person has violated this section. A person who violates this section is subject to a civil penalty not to exceed \$1,000 for each violation, payable to the State and recoverable in a civil action. A contribution accepted in violation of this section must be returned to the contributor.

Sec. 5. 1 MRSA §1016-G, sub-§3, ¶B, as enacted by PL 2011, c. 634, §11, is amended to read:

B. The intentional filing of a false statement is a Class E crime. If the commission concludes that it appears that a Legislator has willfully filed a false statement, it shall refer its findings of fact to the Attorney General. If the commission determines that a Legislator has willfully failed to file a statement required by this subchapter or has willfully filed a false statement, the Legislator is presumed to have a conflict of interest on every question and ~~must be precluded or subject to penalty as provided in section 1015.~~

See title page for effective date.

CHAPTER 535

S.P. 167 - L.D. 545

An Act To Ban Child Marriage

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

Sec. 1. 19-A MRSA §652, sub-§8, as amended by PL 1997, c. 683, Pt. E, §5 and affected by §6, is further amended to read:

8. Parties under 16 years of age. The clerk may not issue a marriage license to a person under 16 years of age ~~without:~~

~~A. The written consent of that minor's parents, guardians or persons to whom a court has given custody;~~

~~B. Notifying the judge of probate in the county in which the minor resides of the filing of this intention; and~~

~~C. Receipt of that judge of probate's written consent to issue the license. The judge of probate shall base a decision on whether to issue consent on the best interest of the parties under 16 years of age and shall consider the age of both parties and any criminal record of a party who is 18 years of age or older. The judge of probate, in the interest of public welfare, may order, after notice and opportunity for hearing, that a license not be issued. The judge~~