

§1012. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 561, §4 (RPR).]

1. Close economic association. "Close economic association" means the employers, employees, partners or clients of the Legislator or a member of the Legislator's immediate family; corporations in which the Legislator or a member of the Legislator's immediate family is an officer, director or agent or owns 10% or more of the outstanding capital stock; a business which is a significant unsecured creditor of the Legislator or a member of the Legislator's immediate family; or a business of which the Legislator or a member of the Legislator's immediate family is a significant unsecured creditor. [PL 1989, c. 561, §4 (RPR).]

1-A. Associated organization. "Associated organization" means any organization in which a Legislator or a member of the Legislator's immediate family is a managerial employee, director, officer or trustee or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity. [PL 2011, c. 634, §1 (AMD).]

2. Commission. "Commission" means the Commission on Governmental Ethics and Election Practices. [PL 1989, c. 561, §4 (RPR).]

2-A. Domestic partner.
[PL 2021, c. 567, §2 (RP).]

3. Employee. "Employee" means a person in any employment position, including public or private employment, employment with a nonprofit, religious, charitable or educational organization, or any other compensated service under an expressed, implied, oral or written contract for hire, but does not include a self-employed person. [PL 1989, c. 561, §4 (RPR).]

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; [PL 1989, c. 561, §4 (NEW).]

B. A bequest or other form of inheritance; [PL 1995, c. 33, §1 (AMD).]

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; [PL 2009, c. 258, §1 (AMD).]

D. A subscription to a newspaper, news magazine or other news publication; [PL 2009, c. 258, §1 (AMD).]

E. Legal services provided in a matter of legislative ethics; [PL 2009, c. 258, §1 (AMD).]

F. A meal, if the meal is a prayer breakfast or a meal served during a meeting to establish a prayer breakfast; or [PL 2009, c. 258, §1 (NEW).]

G. 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. [PL 2009, c. 258, §1 (NEW).]
[PL 2009, c. 258, §1 (AMD).]

5. Honorarium. "Honorarium" means a payment of money or anything with a monetary resale value to a Legislator for an appearance or a speech by the Legislator. Honorarium does not include reimbursement for actual and necessary travel expenses for an appearance or speech. Honorarium does not include a payment for an appearance or a speech that is unrelated to the person's official capacity or duties as a member of the Legislature.

[PL 1989, c. 561, §4 (NEW).]

6. Immediate family. "Immediate family" means a Legislator's spouse, domestic partner or dependent children.

[PL 2009, c. 208, §3 (AMD).]

7. Income. "Income" means economic gain to a person from any source, including, but not limited to, compensation for services, including fees, commissions and payments in kind; gross income derived from business; gross income derived from dealings in property, rents and royalties; gross income from investments including interest, capital gains and dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributions from a partnership or limited liability company; gross income from an interest in an estate or trust; prizes; and grants, but does not include gifts or honoraria. Income received in kind includes, but is not limited to, the transfer of property and options to buy or lease, and stock certificates. "Income" does not include alimony and separate maintenance payments, child support payments or campaign contributions accepted for state or federal office or funds or other property held in trust for another, including but not limited to money to be spent on behalf of a client for payment of a licensing or filing fee.

A. [PL 2011, c. 634, §2 (RP).]

B. [PL 2011, c. 634, §2 (RP).]

[PL 2011, c. 634, §2 (AMD).]

7-A. Managerial employee. "Managerial employee" means an employee of an organization whose position requires substantial control over the organization's decision making, business operations, financial management or contracting and procurement activities. For the purposes of this subsection, financial management does not include tasks that are considered clerical in nature.

[PL 2011, c. 634, §3 (NEW).]

8. Relative. "Relative" means an individual who is related to the Legislator or the Legislator's spouse or the Legislator's domestic partner as a parent; child; sibling; sibling of a parent; sibling of a parent once removed; first cousin; child of a sibling or of a spouse's or domestic partner's sibling; spouse; domestic partner; grandparent; grandchild; parent-in-law; spouse or domestic partner of a child; sibling of a spouse or domestic partner; stepparent; stepchild; stepsibling; and half-sibling and includes the betrothed of the Legislator.

[RR 2023, c. 1, Pt. C, §21 (COR).]

8-A. Reportable liability. "Reportable liability" means any unsecured loan of \$3,000 or more received from a person who is not a relative. "Reportable liability" does not include:

A. A credit card liability; [PL 2011, c. 634, §5 (NEW).]

B. An educational loan made or guaranteed by a governmental entity, educational institution or nonprofit organization; or [PL 2011, c. 634, §5 (NEW).]

C. A loan made from a state or federally regulated financial institution for business purposes. [PL 2011, c. 634, §5 (NEW).]

[PL 2011, c. 634, §5 (NEW).]

9. Self-employed. "Self-employed" means that the person qualifies as an independent contractor under Title 39-A, section 102, subsection 13-A.

[PL 2011, c. 643, §1 (AMD); PL 2011, c. 643, §14 (AFF).]

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

[PL 2019, c. 534, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 621, §1 (NEW). PL 1989, c. 561, §4 (RPR). PL 1991, c. 885, §E1 (AMD). PL 1991, c. 885, §E47 (AFF). PL 1995, c. 33, §§1,2 (AMD). RR 2001, c. 1, §6 (COR). PL 2001, c. 430, §5 (AMD). PL 2003, c. 268, §1 (AMD). PL 2007, c. 642, §§4, 5 (AMD). PL 2009, c. 208, §§2-4 (AMD). PL 2009, c. 258, §1 (AMD). PL 2011, c. 634, §§1-5 (AMD). PL 2011, c. 643, §1 (AMD). PL 2011, c. 643, §14 (AFF). PL 2019, c. 534, §1 (AMD). PL 2021, c. 567, §2 (AMD). RR 2023, c. 1, Pt. C, §21 (COR).

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