

PLEASE NOTE: The Office of the Revisor of Statutes **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Public Law
123rd Legislature
Second Regular Session

Chapter 704
S.P. 838 - L.D. 2178

**An Act To Increase Public Confidence in
Government by Expanding Public Disclosure**

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

Sec. 1. 1 MRSA §1016-A, sub-§4, as amended by PL 1989, c. 608, §2, is further amended to read:

4. Disclosure of income of immediate family. The Legislator shall disclose the type of economic activity representing each source of income of \$1,000 or more that any member of the immediate family of the Legislator received and the name of the spouse or domestic partner of the Legislator. The disclosure must include the job title of the Legislator and the members of the Legislator's immediate family if the source of income is derived from employment or compensation.

Sec. 2. 1 MRSA §1016-E is enacted to read:

§ 1016-E. Disclosure of interests

Beginning in 2010, each Legislator shall file with the commission by 5:00 p.m. on February 15th of each year on the form provided by the commission a statement of those positions set forth in this section that were held in the preceding calendar year. Prior to the end of the first week in January of each year, the commission shall deliver a form to each Senator and member of the House of Representatives. The statement of positions is a public record.

1. Disclosure of officer or director position. A Legislator filing a statement under this section shall report:

A. Any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by the Legislator in the preceding calendar year with any for-profit or nonprofit firm, corporation, association, partnership or business; and

B. Any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by a member of the immediate family of the Legislator with any for-profit or nonprofit firm, corporation, association, partnership or business and the name of that member of the Legislator's immediate family.

Sec. 3. 1 MRSA §1016-F is enacted to read:

§ 1016-F. Internet disclosure

The commission shall publish on its publicly accessible website the completed forms submitted by Legislators pursuant to sections 1016-A, 1016-B, 1016-D, 1016-E and 1018 and by candidates for the Legislature pursuant to section 1016-C.

Sec. 4. 1 MRSA §1017-A, as enacted by PL 2003, c. 268, §4, is amended to read:

§ 1017-A. Civil penalties; late and incomplete statements; failure to file

A Legislator who fails to file a statement in accordance with this subchapter after being notified by the commission may be assessed a fine of ~~\$10 for each business day the statement is filed late~~ not to exceed \$100. A statement is not considered filed unless it substantially conforms to the requirements of this subchapter and is properly signed. The commission shall determine whether a statement substantially conforms to the requirements of this subchapter.

Sec. 5. 5 MRSA §19, sub-§2, as amended by PL 1989, c. 608, §3, is further amended to read:

2. Statement of sources of income. Each executive employee shall annually file with the ~~Secretary of State~~ Commission on Governmental Ethics and Election Practices a sworn and notarized statement of finances for the preceding calendar year. The statement ~~shall~~ must indicate:

- A. If the executive employee is an employee of another person, firm, corporation, association or organization, the name and address of the employer and each other source of income of \$1,000 or more;
- B. If the executive employee is self-employed, the name and address of the executive employee's business and the name of each source of income derived from self-employment that represents more than 10% of the employee's gross income or \$1,000, whichever is greater, ~~provided~~ except that, if this form of disclosure is prohibited by statute, rule; or an established code of professional ethics, the employee shall specify the principal type of economic activity from which the income is derived. With respect to all other sources of income, a self-employed executive employee shall name each source of income of \$1,000 or more. The employee shall also indicate major areas of economic activity and, if associated with a partnership, firm, professional association; or similar business entity, the major areas of economic activity of that entity;
- C. The specific source of each gift received;
- D. The type of economic activity representing each source of income of \$1,000 or more that any member of the immediate family of the executive employee received and the name of the spouse or domestic partner of the executive employee. The disclosure must include the job title of the executive employee and immediate family members if the source of income is derived from employment or compensation;
- E. The name of each source of honoraria that the executive employee accepted;
- F. Each executive branch agency before which the executive employee or any immediate family member has represented or assisted others for compensation; and
- G. Each executive branch agency to which the executive employee or the employee's immediate family has sold goods or services with a value in excess of \$1,000.

In identifying the source of income, it shall be sufficient to identify the name and address and principal type of economic activity of the corporation, professional association, partnership, financial institution, nonprofit organization or other entity or person directly providing the income to the individual.

With respect to income from a law practice, it shall be sufficient for attorneys-at-law to indicate their major areas of practice and, if associated with a law firm, the major areas of practice of the firm.

Sec. 6. 5 MRSA §19, sub-§2-A is enacted to read:

2-A. Statement of interests. Beginning in 2010, each executive employee shall annually file with the Commission on Governmental Ethics and Election Practices a sworn and notarized statement of those positions set forth in this subsection for the preceding calendar year. The statement must include:

A. Any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by the executive employee with any for-profit or nonprofit firm, corporation, association, partnership or business; and

B. Any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by a member of the immediate family of the executive employee with any for-profit or nonprofit firm, corporation, association, partnership or business and the name of that member of the executive employee's immediate family.

Sec. 7. 5 MRSA §19, sub-§4, as enacted by PL 1979, c. 734, §2, is amended to read:

4. Penalties. Failing to file the statement, within 15 days of having been notified by the Secretary of State Commission on Governmental Ethics and Election Practices of failing to meet the requirements of subsection 2; is a civil violation for which a forfeiture fine of not more than \$100 may be adjudged.

Sec. 8. 5 MRSA §19, sub-§5, as enacted by PL 1979, c. 734, §2, is amended to read:

5. Rules. The Secretary of State Commission on Governmental Ethics and Election Practices may adopt or amend rules to specify the reportable categories or types and the procedures and forms for reporting and to administer this section.

Sec. 9. 5 MRSA §19, sub-§6, as enacted by PL 1979, c. 734, §2, is amended to read:

6. Public record. Statements filed under this section are public records. The Commission on Governmental Ethics and Election Practices shall publish on a publicly accessible website the completed forms of executive employees filed under this section.

Sec. 10. Appropriations and allocations. The following appropriations and allocations are made.

ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL

Governmental Ethics and Election Practices - Commission on 0414

Initiative: Provides an allocation to develop an online system for publication of executive employee disclosure forms.

OTHER SPECIAL REVENUE FUNDS

All Other

2007-08

\$0

2008-09

\$35,000

OTHER SPECIAL REVENUE FUNDS TOTAL

\$0

\$35,000