

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

**‘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, the range of income derived from each source 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 interests and 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 interests is a public record.

**1. Disclosure of real property interests.** A Legislator filing a statement under this section shall report:

A. The municipal or township location of each piece of real property in which the Legislator holds an interest or interests with a total value of \$10,000 or more, the type of interest or interests and the value range of the interest or interests; and

B. For each real property interest or interests with a total value of \$10,000 or more held by a member of the Legislator's immediate family, the name of the family member who holds the interest or interests, the municipal or township location of the real property in which the interest or interests are held and the value range of the interest or interests.

**2. Disclosure of investment information.** A Legislator filing a statement under this section shall report:

A. The value range of each investment interest greater than \$10,000 held by the Legislator; and

B. The value range of each type of investment interest greater than \$10,000 held by a member of the Legislator's immediate family and the name of that member of the Legislator's immediate family.

For purposes of this subsection, "investment interest" includes holdings in publicly traded stocks, investment accounts managed by investment advisors or broker-dealers, corporate bonds, closely held businesses and other ownership interests. Publicly traded stocks must be listed on the disclosure form by the name under which they are traded. Investment accounts managed by investment advisors or broker-dealers must be listed on the form with the name of the investment advisor and broker-dealer and describe the general category of investments included in the account.

**3. 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.

**4. Value ranges.** Disclosure forms required by this section must list value ranges for real property and investments as follows:

A. \$10,000 to \$100,000;

B. \$100,001 to \$200,000; and

C. \$200,001 or more.

**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 later 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, a range of income derived from each source 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~~is 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~~is 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 Secretary of State a sworn and notarized statement of those interests and positions set forth in this subsection for the preceding calendar year. The statement must include:

A. The municipal or township location of each piece of real property in which the executive employee holds an interest or interests with a total value of \$10,000 or more, the type of interest or interests and the value range of the interest or interests;

B. For each real property interest or interests with a total value of \$10,000 or more held by a member of the executive employee's immediate family, the name of the family member who holds the interest or interests, the municipal or township location of the real property in which the interest or interests are held and the value range of the interest or interests;

C. 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;

D. 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;

E. The value range of each investment interest greater than \$10,000 held by the executive employee; and

F. The value range of each investment interest greater than \$10,000 held by a member of the executive employee's immediate family and the name of that member of the executive employee's immediate family.

For purposes of this subsection, "investment interest" includes holdings in publicly traded stocks, investment accounts managed by investment advisors or broker-dealers, corporate bonds, closely held businesses and other ownership interests. Publicly traded stocks must be listed on the disclosure form by the name under which they are traded. Investment accounts managed by investment advisors or broker-dealers must be listed on the form with the name of the investment advisor and broker-dealer and describe the general category of investments included in the account.

**Sec. 7. 5 MRSA §19, sub-§2-B** is enacted to read:

**2-B. Value ranges.** Disclosure forms required by this section must list value ranges for real property and investments as follows:

A. \$10,000 to \$100,000;

B. \$100,001 to \$200,000; and

C. \$200,001 or more.

**Sec. 8. 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. 9.5 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. 10.5 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. 11. Disclosure form design and review.** The Commission on Governmental Ethics and Election Practices is directed to design a form to facilitate disclosure of real property and investment interests as required by this Act by December 1, 2008 for review by the joint standing committee of the Legislature having jurisdiction over governmental ethics matters. The committee is authorized to submit legislation related to the form to the First Regular Session of the 124th Legislature.

**Sec. 12. 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.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	\$35,000
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<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$35,000</b>

**SUMMARY**

This amendment is the majority report. This amendment adds to the list of things to be disclosed as proposed in the bill. New disclosures regarding real property and investment interests will begin to be reported in 2010 after the reporting form designed by the Commission on Governmental Ethics and Election Practices is reviewed by the joint standing committee of the Legislature having jurisdiction over

governmental ethics matters. It adds a requirement that job titles be disclosed for each reportable source of income for Legislators, executive employees and members of their immediate families. The amendment specifies that the value of real property and investments is disclosed by indicating a range of value. It also clarifies that when reporting the location of reportable real property, the township or municipality where the property is located is sufficient.

**FISCAL NOTE REQUIRED**  
**(See attached)**