



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1806

S.P. 624

In Senate, February 7, 2012

An Act To Promote Transparency in Government

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by President RAYE of Washington. (GOVERNOR'S BILL)
Cosponsored by Speaker NUTTING of Oakland and
Senators: COURTNEY of York, DIAMOND of Cumberland, FARNHAM of Penobscot,
HASTINGS of Oxford, HOBBS of York, KATZ of Kennebec, LANGLEY of Hancock,
MASON of Androscoggin, McCORMICK of Kennebec, PLOWMAN of Penobscot, RECTOR
of Knox, SNOWE-MELLO of Androscoggin, Representatives: CURTIS of Madison,
CUSHING of Hampden, FITTS of Pittsfield, FOSSEL of Alna, HAMPER of Oxford, MAKER
of Calais, NEWENDYKE of Litchfield, SARTY of Denmark, STRANG BURGESS of
Cumberland, TURNER of Burlington.

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

2 **Sec. 1. 1 MRSA §1012, sub-§1-A**, as enacted by PL 2003, c. 268, §1, is amended
3 to read:

4 **1-A. Associated organization.** "Associated organization" means any organization
5 in which a Legislator or a ~~Legislator's spouse~~ member of the Legislator's immediate
6 family is a managerial employee, director, officer or trustee, or owns or controls, directly
7 or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity.

8 **Sec. 2. 1 MRSA §1012, sub-§7-A** is enacted to read:

9 **7-A. Managerial employee.** "Managerial employee" means an employee of an
10 organization whose responsibilities include control, decision making or other high-level
11 duties in the area of business operations, financial management or contracting and
12 procurement.

13 **Sec. 3. 1 MRSA §1016-A, first ¶**, as amended by PL 2001, c. 75, §1, is further
14 amended to read:

15 Each Legislator shall file a statement of specific sources of income received in the
16 preceding calendar year with the commission by 5:00 p.m. on February 15th of each year
17 on forms provided by the commission. Prior to the end of the first week in January of
18 each year, the commission shall deliver a form to each Senator and member of the House
19 of Representatives. The statement of specific sources of income filed under this
20 subchapter must be on a form prescribed by the commission and is a public record. A
21 Legislator who has completed service in the Legislature shall file the statement within 45
22 days of the Legislator's last day of service to disclose the sources of income in the
23 Legislator's final calendar year of service.

24 **Sec. 4. 1 MRSA §1016-A, sub-§1, ¶A**, as enacted by PL 1989, c. 561, §9, is
25 amended to read:

26 A. A Legislator who is an employee of another shall name the employer and each
27 other source of income of \$1,000 or more. The Legislator shall identify the title of
28 the position held by the Legislator.

29 **Sec. 5. 1 MRSA §1016-A, sub-§4**, as amended by PL 2007, c. 704, §1, is further
30 amended to read:

31 **4. Disclosure of income of immediate family.** The Legislator shall disclose the
32 type of economic activity representing each source of income of \$1,000 or more that any
33 member of the immediate family of the Legislator received and the name of the spouse or
34 domestic partner of the Legislator. ~~The disclosure must include the job title of the~~
35 ~~Legislator and the members of the Legislator's immediate family if the source of income~~
36 ~~is derived from employment or compensation~~ If the member of the Legislator's immediate
37 family received income of \$1,000 or more in compensation, the Legislator shall identify
38 the source of the compensation, the type of the economic activity and the title of the
39 position held by the immediate family member.

1 **Sec. 6. 1 MRSA §1016-A, sub-§7**, as enacted by PL 1989, c. 561, §9, is amended
2 to read:

3 **7. Business with state agencies.** The Legislator shall identify each executive branch
4 agency to which the Legislator ~~or~~, a member of the Legislator's immediate family or an
5 associated organization has sold goods or services with a value in excess of \$1,000.

6 **Sec. 7. 5 MRSA §19, sub-§1, ¶¶A-1 and B-1** are enacted to read:

7 A-1. "Associated organization" means any organization in which an executive
8 employee or a member of the executive employee's immediate family is a managerial
9 employee, director, officer or trustee or owns or controls, directly or indirectly, and
10 severally or in the aggregate, at least 10% of the outstanding equity.

11 B-1. "Domestic partner" means the partner of an executive employee who:

12 (1) Has been legally domiciled with the executive employee for at least 12
13 months;

14 (2) Is not legally married to or legally separated from an individual;

15 (3) Is the sole partner of the executive employee and expects to remain so; and

16 (4) Is jointly responsible with the executive employee for each other's common
17 welfare as evidenced by joint living arrangements, joint financial arrangements or
18 joint ownership of real or personal property.

19 **Sec. 8. 5 MRSA §19, sub-§1, ¶G**, as enacted by PL 1989, c. 561, §14, is
20 amended to read:

21 G. "Immediate family" means a person's spouse, domestic partner or dependent
22 children.

23 **Sec. 9. 5 MRSA §19, sub-§1, ¶H-1** is enacted to read:

24 H-1. "Managerial employee" means an employee of an organization whose
25 responsibilities include control, decision making or other high-level duties in the area
26 of business operations, financial management or contracting and procurement.

27 **Sec. 10. 5 MRSA §19, sub-§2, ¶D**, as amended by PL 2007, c. 704, §5, is further
28 amended to read:

29 D. The type of economic activity representing each source of income of \$1,000 or
30 more that any member of the immediate family of the executive employee received
31 and the name of the spouse or domestic partner of the executive employee. ~~The~~
32 ~~disclosure must include the job title of the executive employee and immediate family~~
33 ~~members if the source of income is derived from employment or compensation~~ If the
34 member of the executive employee's immediate family received income of \$1,000 or
35 more in compensation, the executive employee shall identify the source of the
36 compensation, the type of the economic activity and the title of the position held by
37 the immediate family member;

1 8. It requires an executive employee to identify each executive branch agency to
2 which an associated organization has sold goods or services with a value in excess of
3 \$1,000.

4 9. It requires an executive employee whose employment has terminated to file a
5 statement of finances and a statement of positions within 45 days after the termination of
6 employment relating to the final calendar year of the employment.