

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

An Act To Promote Transparency in Government

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

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

1-A. Associated organization. "Associated organization" means any organization in which a Legislator or a ~~Legislator's spouse~~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.

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

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

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

Each Legislator shall file a statement of specific sources of income received in the preceding calendar year with the commission by 5:00 p.m. on February 15th of each year on forms provided by the commission. 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 specific sources of income filed under this subchapter must be on a form prescribed by the commission and is a public record. A Legislator who has completed service in the Legislature shall file the statement within 45 days of the Legislator's last day of service to disclose the sources of income in the Legislator's final calendar year of service.

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

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

Sec. 5. 1 MRSA §1016-A, sub-§4, as amended by PL 2007, c. 704, §1, 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~~If the member of the Legislator's immediate family received income of \$1,000 or more in compensation, the Legislator shall identify the source of the compensation, the type of the economic activity and the title of the position held by the immediate family member.

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

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

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

A-1. "Associated organization" means any organization in which an executive employee or a member of the executive employee'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.

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

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

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

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

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

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

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

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

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

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

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.~~If the member of the executive employee's immediate family received

income of \$1,000 or more in compensation, the executive employee shall identify the source of the compensation, the type of the economic activity and the title of the position held by the immediate family member;

Sec. 11. 5 MRSA §19, sub-§2, ¶G, as amended by PL 1989, c. 608, §3, is further amended to read:

G. Each executive branch agency to which the executive employee or, a member of the employee's immediate family or an associated organization has sold goods or services with a value in excess of \$1,000.

Sec. 12. 5 MRSA §19, sub-§3-A is enacted to read:

3-A. Filing upon termination of employment. An executive employee whose employment has terminated shall file a statement of finances as described in subsection 2 and a statement of positions as described in subsection 2-A within 45 days after the termination of employment relating to the final calendar year of the employment.

SUMMARY

This bill makes the following changes to the laws governing financial disclosure by Legislators and certain executive employees.

1. It changes the definition of "associated organization" in the laws governing financial disclosure by Legislators to provide that an organization with which a member of a Legislator's immediate family, rather than only the Legislator's spouse as in current law, holds a certain position is an associated organization and to add managerial employees to the list of the positions in an organization covered in the definition.

2. It requires a Legislator who has completed service to file a statement within 45 days of the last day of service to disclose the Legislator's sources of income in the Legislator's final year of service.

3. It requires a Legislator who is an employee of another to identify the title of the position held by the Legislator.

4. It requires that, if a member of a Legislator's immediate family received income of \$1,000 or more in compensation in a calendar year, the Legislator must identify the source of the compensation, the type of the economic activity and the title of the position held by the immediate family member.

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

6. It adds domestic partners to the definition of "immediate family" in the laws governing financial disclosure by certain executive employees.

7. It requires that, if a member of an executive employee's immediate family received income of \$1,000 or more in compensation in a calendar year, the executive employee must identify the source of the compensation, the type of the economic activity and the title of the position held by the immediate family member.

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

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