

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 Provide Transparency in Fund-raising by and Lobbying of a Governor-elect

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

Sec. 1. 1 MRSA c. 25, sub-c. 3 is enacted to read:

SUBCHAPTER 3

GOVERNOR-ELECT

§ 1051. Disclosure of donations to fund transition and inaugural activities

The Governor-elect may establish a committee, referred to in this section as "the committee," to solicit and accept donations for the purposes of financing the costs related to the inauguration of the Governor-elect and financing the activities related to the transition to the office of Governor by the Governor-elect. If the Governor-elect appoints such a committee, the Governor-elect shall appoint a treasurer for the committee who is responsible for keeping records of donations and for filing the financial disclosure statement required by subsection 1. All donations received must be deposited in a separate and segregated account and may not be commingled with any campaign contributions received by the Governor-elect or the political committee of the Governor-elect or any personal or business funds of the Governor-elect or any other person. The Governor-elect may not personally solicit or accept donations for these purposes.

1. Registration with the commission and financial disclosure statement of donors.

The committee shall register and file a financial disclosure statement with the commission as required by this subsection.

A. The committee shall register with the commission within 10 days of the appointment of a treasurer. The registration must include the names and mailing addresses of the committee, its treasurer and all individuals who are raising funds for the committee.

B. The financial disclosure statement must contain the names, addresses, occupations and employers of all donors who have given money or anything of value to the committee, along with the amounts and dates of the donations. Loans must be disclosed as a form of donation. Donors who have given \$100 or less may be disclosed in the aggregate without itemization.

C. Any outstanding loan, debt or other obligation as of the filing deadline under paragraph D must be disclosed by the committee.

D. The financial disclosure statement must be completed and filed by 5:00 p.m. on February 15th of the year following the election.

E. The commission may adopt procedures and forms for the disclosures required under this subsection. In developing the form of the financial disclosure statement, the commission shall consider the ease with which the public will be able to access the information and the reasonableness of the burden on the committee or the committee's treasurer.

2. Limitation on fund-raising activity. The committee may accept donations from the day after the election of the Governor-elect to January 31st of the year following the election.

3. Prohibited donations during a legislative session. The committee may not directly or indirectly solicit or accept a donation from a lobbyist or lobbyist associate or employer, as these terms are defined in Title 3, section 312-A, during any period of time in which the Legislature is convened in regular session before final adjournment. A lobbyist or lobbyist associate or employer may not directly or indirectly give, offer or promise a donation to the committee during any period of time in which the Legislature is convened in regular session before final adjournment.

4. Anonymous donations. The committee may not accept anonymous donations in excess of \$10.

5. Disposing of surplus funds. Prior to filing the financial disclosure statement under subsection 1, the committee shall either donate any surplus funds remaining in the committee's account to a charitable organization that qualifies as a nonprofit corporation under the federal Internal Revenue Code, Section 501(c)(3) or remit those funds to the Treasurer of State.

Sec. 2. 3 MRSA §312-A, sub-§10-C, as amended by PL 2007, c. 630, §7, is further amended to read:

10-C. Official in the executive branch. "Official in the executive branch" means an individual in a major policy-influencing position in a department or agency listed in section 959 or in Title 5, chapter 71 ~~and~~, the Governor's cabinet and staff, ~~the Governor-elect and the Governor-elect's staff.~~ As used in this chapter, "major policy-influencing position" means those positions listed in Title 5, chapter 71 and officers or employees of departments and agencies listed in section 959 and in Title 5, chapter 71 who have policy development as a major function of their positions.

Sec. 3. 3 MRSA §312-A, sub-§11, as enacted by PL 1983, c. 160, §1, is amended to read:

11. Official in the legislative branch. "Official in the ~~Legislative Branch~~legislative branch" means a member, member-elect, ~~candidate for or officer of the Legislature~~ or an employee of the Legislature.

SUMMARY

This bill authorizes a Governor-elect to establish a committee for the purpose of soliciting and accepting donations to finance inaugural activities or the Governor-elect's transition to office. Under the bill, the Governor-elect is required to appoint a treasurer to keep records of donations to the committee and file financial disclosure statements. A financial disclosure statement is due on February 15th after the Governor takes office. A donor giving more than \$100 must be disclosed. The committee is authorized to

accept donations from the day after the election until January 31st following the election. The Governor-elect is prohibited from personally soliciting or accepting donations for the cost of the inauguration or the transition to office. Communicating with a Governor-elect or the Governor-elect's staff to influence legislation would constitute lobbying that is disclosed in reports to the Commission on Governmental Ethics and Election Practices.

This bill also amends the definition of "official in the legislative branch" to exclude candidates for or officers of the Legislature.