



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1871

S.P. 643

In Senate, December 23, 2019

An Act To Modify the Financial Disclosure Requirements for a Governor-elect

Submitted by the Commission on Governmental Ethics and Election Practices pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 19, 2019. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink that reads "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LUCHINI of Hancock.

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

2 **Sec. 1. 1 MRSA §1051**, as enacted by IB 2015, c. 1, §1, is amended to read:

3 **§1051. Gubernatorial transition committee**

4 **1. Definitions.** As used in this subchapter, unless the context otherwise indicates,
5 the following terms have the following meanings.

6 A. "Commission" means the Commission on Governmental Ethics and Election
7 Practices.

8 B. "Election cycle" means the period beginning on the day after the general election
9 for any state, county or municipal office and ending on the day of the next general
10 election for that office.

11 C. "Governor-elect" means the candidate for the office of Governor elected at the
12 most recent general election.

13 **2. Transition and inaugural activities; funding.** A person may solicit and accept
14 donations for the purpose of financing costs related to the transition to office and
15 inauguration of a ~~new Governor~~ Governor-elect. A person who accepts donations for
16 these purposes must establish a committee and appoint a treasurer who is responsible for
17 keeping records of donations and for filing a financial disclosure statement required by
18 this section. All donations received must be deposited in a separate and segregated
19 account and may not be commingled with any contributions received by any candidate or
20 political committee or any personal or business funds of any person. ~~An individual who~~
21 ~~has served as a treasurer of any candidate committee or political action committee in the~~
22 ~~same election cycle may not serve as treasurer of a gubernatorial transition committee~~ All
23 donations received by the committee must be used for expenses related to the transition to
24 office or inauguration; any surplus funds must be disposed of pursuant to subsection 7.

25 **3. Registration with the commission and financial disclosure ~~statement~~**
26 **statements.** A committee established pursuant to this section shall register and file a
27 financial disclosure ~~statement~~ statements with the commission as required by this
28 subsection.

29 A. The committee shall register with the commission within 10 days after
30 appointment of a treasurer. The registration must include the name and mailing
31 addresses of the members of the committee, its treasurer and all individuals ~~who are~~
32 raising designated by the committee to raise funds for the committee.

33 B. ~~The financial~~ Financial disclosure ~~statement~~ statements must contain the names,
34 addresses, occupations and employers of all donors who have given money or
35 anything of value in a total amount exceeding \$50 to the committee, including in-
36 kind donations of goods or services, along with the amounts and dates of the
37 donations. ~~Donors who have given donations~~ Donations with a total value of \$50 or
38 less may be disclosed in the aggregate without itemization or other identification.

39 C. ~~Any outstanding loan, debt or other obligation of the committee must be disclosed~~
40 ~~as a donation~~ If the committee owes a debt or loan at the end of a time period for a

1 financial disclosure statement, the committee shall report the debt or loan. If a
2 creditor or lender forgives a debt or loan, the committee shall disclose the forgiven
3 debt or loan as a donation.

4 D. ~~The financial~~ Financial disclosure statement statements must ~~identify~~ include the
5 amounts, dates, payees and purposes of all payments made by the committee during
6 the statement period.

7 E. ~~An interim financial~~ Financial disclosure statement statements must be filed by
8 5:00 p.m. on January ~~1st~~ 2nd and February 15th following the gubernatorial election
9 and must be complete as of 10 days prior to ~~that date.~~ The final financial disclosure
10 statement must be filed by 5:00 p.m. on February 15th following the gubernatorial
11 election and must be complete as of that date those filing deadlines. If the committee
12 has surplus funds or an unpaid debt or loan after the end of the statement period for
13 the February 15th statement, the committee shall file bimonthly financial disclosure
14 statements beginning on April 15th until it disposes of all surplus funds.

15 F. The treasurer shall keep a detailed and exact account of all contributions made to
16 the committee and all expenditures made by the committee for one year following the
17 final financial disclosure statement filed by the committee.

18 **4. Limitation on fund-raising activity.** A committee established pursuant to this
19 section may accept donations until ~~January~~ March 31st of the year following the
20 gubernatorial election. The commission may authorize the acceptance of donations after
21 March 31st of the year following the gubernatorial election if the committee requests
22 such authorization in order to pay a debt or loan related to the transition to office or
23 inauguration.

24 **5. Prohibited donations during a legislative session.** A committee established
25 pursuant to this section may not directly or indirectly solicit or accept a donation from a
26 lobbyist, lobbyist associate or employer during any period of time in which the
27 Legislature is convened before final adjournment. A lobbyist, lobbyist associate or
28 employer may not directly or indirectly give, offer or promise a donation to a committee
29 established pursuant to this section during any period of time in which the Legislature is
30 convened before final adjournment. For purposes of this subsection, "lobbyist" has the
31 same meaning as in Title 3, section 312-A, subsection 10; "lobbyist associate" has the
32 same meaning as in Title 3, section 312-A, subsection 10-A; and "employer" has the
33 same meaning as in Title 3, section 312-A, subsection 5.

34 **6. Anonymous donations.** A committee established pursuant to this section may not
35 accept an anonymous donation in excess of \$50.

36 **7. Disposing of surplus funds.** ~~Prior to the filing of the final financial disclosure~~
37 ~~statement under subsection 3, paragraph E, any~~ Any surplus funds remaining in the
38 committee's account must be refunded to one or more donors, donated to a charitable
39 organization that qualifies as a tax-exempt organization under 26 United States Code,
40 Section 501(c)(3) or remitted to the State Treasurer.

