

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 Improve Transparency in Maine Government

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

Sec. 1. 1 MRSA §402, sub-§2, ¶F, as amended by PL 2009, c. 334, §2, is further amended to read:

F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter; and

Sec. 2. 1 MRSA §402, sub-§2, ¶G, as enacted by PL 2009, c. 334, §3, is amended to read:

G. The committee meetings, subcommittee meetings and full membership meetings of any association that:

(1) Promotes, organizes or regulates statewide interscholastic activities in public schools or in both public and private schools; and

(2) Receives its funding from the public and private school members, either through membership dues or fees collected from those schools based on the number of participants of those schools in interscholastic activities.

This paragraph applies to only those meetings pertaining to interscholastic sports and does not apply to any meeting or any portion of any meeting the subject of which is limited to personnel issues, allegations of interscholastic athletic rule violations by member schools, administrators, coaches or student athletes or the eligibility of an individual student athlete or coach; and

Sec. 3. 1 MRSA §402, sub-§2, ¶H is enacted to read:

H. The transition team of a Governor-elect.

Sec. 4. 1 MRSA §402, sub-§5 is enacted to read:

5. Public records of transition team of Governor-elect. Any records of or relating to the transition team of a Governor-elect are public records.

Sec. 5. 1 MRSA §1012, sub-§1, as repealed and replaced by PL 1989, c. 561, §4, is amended to read:

1. Close economic associate. "Close economic association~~association~~associate" means the employers, employees, partners or clients of the Legislator or a member of the Legislator's immediate family; ~~corporations~~entities in which the Legislator or a member of the Legislator's immediate family is an officer, director or agent or owns 10% or more of the outstanding capital stock; a business ~~which~~that is a significant unsecured creditor of the Legislator or a member of the Legislator's immediate family; or a business of which the Legislator or a member of the Legislator's immediate family is a significant unsecured creditor.

Sec. 6. 1 MRSA §1014, sub-§1, ¶A, as amended by PL 2007, c. 642, §7, is further amended to read:

~~A. When a Legislator or, a member of the Legislator's immediate family has or acquires a direct substantial personal financial interest, distinct from that of the general public, in an enterprise that would be financially benefited by proposed legislation, or derives a direct substantial personal financial benefit from close economic association with a person known by the Legislator to have a direct financial interest in an enterprise affected by proposed legislation or a close economic associate of the Legislator would derive a benefit from, or be harmed by, proposed legislation to a significantly greater extent than others in the same enterprise, profession, trade, business or type of employment;~~

Sec. 7. 1 MRSA §1014, sub-§1, ¶E, as amended by PL 2007, c. 642, §7, is further amended to read:

E. When a Legislator or a member of the Legislator's immediate family accepts or engages in employment that could impair the Legislator's judgment, or when the Legislator knows that there is a substantial possibility that an opportunity for employment is being afforded the Legislator or a member of the Legislator's immediate family with intent to influence the performance of the Legislator's official duties, or when the Legislator or a member of ~~his~~the Legislator's immediate family stands to derive a personal private gain or loss from employment, because of legislative action, distinct from the gain or losses of other employees or the general community; ~~and~~

Sec. 8. 1 MRSA §1014, sub-§1, ¶F, as amended by PL 2007, c. 642, §7, is further amended to read:

F. When a Legislator or a member of the Legislator's immediate family has an interest in legislation relating to a profession, trade, business or employment in which the Legislator or a member of the Legislator's immediate family is engaged and the benefit derived by the Legislator or a member of the Legislator's immediate family is unique and distinct from that of the general public or persons engaged in similar professions, trades, businesses or employment; ~~and~~

Sec. 9. 1 MRSA §1014, sub-§1, ¶G is enacted to read:

G. When a Legislator, a member of the Legislator's immediate family or a close economic associate of the Legislator is a member of a small group of persons or entities that would derive a significant benefit or harm from proposed legislation;

Sec. 10. 3 MRSA §328 is enacted to read:

§ 328. Former Legislators

A person who served as a Legislator may not lobby until one year after that person's term as a Legislator ends.

Sec. 11. 3 MRSA §329 is enacted to read:

§ 329. Former lobbyists

A person who has been registered as a lobbyist under section 313 may not serve as an official in the executive branch until one year after that person's registration as a lobbyist expires.

SUMMARY

Under current law and rules of the Legislature, a Legislator is prohibited from voting on legislation on the grounds of conflict of interest only if the Legislator or certain family members or business associates would derive a unique and distinct benefit from the legislation. This bill provides that a Legislator faces a conflict of interest in voting if the Legislator or an immediate family member or close economic associate of the Legislator would be benefited or harmed by the legislation to a degree that is significantly greater than similarly situated persons or entities, or the Legislator, a member of the Legislator's immediate family or a close economic associate is a member of a small group of persons or entities that would derive a significant benefit or harm from the proposed legislation.

The bill also prohibits a person who served as a Legislator from lobbying until one year after that person's term as a Legislator ends and prohibits a person who has been registered as a lobbyist from serving as an official in the executive branch until one year after that person's registration as a lobbyist expires.

The bill subjects the transition team of a Governor-elect to the laws governing freedom of access.