



## Cover Sheet for Complaint Alleging Violation of Legislative Ethics

*Instructions: Under 1 M.R.S.A. § 1013, any person may file a complaint alleging a violation of legislative ethics. The complaint must be filed in writing, signed under oath before a notary public, and must specify the facts of the alleged violation and the provisions of Sections 1014 and 1015-A (attached) that are alleged to have been violated. A complaint that does not meet these criteria will be returned to the complainant. The complaint may be in the form of a letter or memorandum addressed to the Commission. Please attach your sworn complaint to this cover sheet and submit it to the attention of the Commission's executive director. The Commission may consider only complaints against Legislators in office at the time of the filing of the complaint and which relate to activity that occurred or was ongoing within 2 years of the complaint.*

Party making the complaint:

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Contact person:

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Contact's mailing address:

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Contact's e-mail address:

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Contact's telephone number(s):

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Legislators named in complaint:

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Brief summary of violation:  
(include dates of activity)

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Specific provisions of 1 M.R.S.A.  
§§ 1014 or 1015 allegedly violated:

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### Confidentiality Agreement

I agree not to disclose any information about the complaint during the time the Commission is determining whether to pursue the complaint and during the investigation of the complaint.

I understand that any person who knowingly breaches this confidentiality restriction has committed a Class D crime under 1 M.R.S.A. § 1013(3-A).

Signature of person making the complaint

Date

Unsworn falsification is a Class D crime. 17-A M.R.S.A. § 453.

The original written complaint which has been signed under oath must be submitted with this cover sheet.

**§1014. Violations of legislative ethics**

**1. Situations involving conflict of interest.** A Legislator engages in a violation of legislative ethics if that Legislator votes on a question in connection with a conflict of interest in committee or in either body of the Legislature or attempts to influence the outcome of that question unless a presiding officer in accordance with the Joint Rules of the Legislature requires a Legislator to vote or advises the Legislator that there is no conflict in accordance with section 1013, subsection 2, paragraph K. A conflict of interest includes:

- 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;
- B. When a Legislator or a member of the Legislator's immediate family accepts gifts, other than campaign contributions duly recorded as required by law, from persons affected by legislation or who have an interest in an entity affected by proposed legislation and the Legislator knows or reasonably should know that the purpose of the donor in making the gift is to influence the Legislator in the performance of the Legislator's official duties or vote or is intended as a reward for action on the Legislator's part;
- C. Receiving compensation or reimbursement not authorized by law for services, advice or assistance as a Legislator;
- D. Appearing for, representing or advocating on behalf of another before the Legislature, unless without compensation and for the benefit of a citizen;
- 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 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
- 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.

**2. Undue influence.**

**2-A. Undue influence.** It is a violation of legislative ethics for a Legislator to engage in conduct that constitutes the exertion of undue influence, including, but not limited to:

- A. Appearing for, representing or advocating for another person in a matter before a state agency or authority, for compensation other than compensation as a Legislator, if the Legislator makes reference to that Legislator's legislative capacity, communicates with the agency or authority on legislative stationery or makes threats or implications relating to legislative action;
- B. Appearing for, representing or advocating for another person in a matter before a state agency or authority if the Legislator oversees the policies of the agency or authority as a result of the Legislator's committee responsibilities, unless:
  - (1) The appearance, representation or advocacy is provided without compensation and for the benefit of a constituent;

- (2) The Legislator is engaged in the conduct of the Legislator's profession and is in good standing with a licensing board, if any, that oversees the Legislator's profession;
  - (3) The appearance, representation or advocacy is provided before a court or office of the judicial branch; or
  - (4) The representation consists of filing records or reports or performing other routine tasks that do not involve the exercise of discretion on the part of the agency or authority; and
- C. Representing or assisting another person in the sale of goods or services to the State, a state agency or a state authority, unless the transaction occurs after public notice and competitive bidding.

**3. Abuse of office or position.** It is a violation of legislative ethics for a Legislator to engage in conduct that constitutes an abuse of office or position, including but not limited to:

- A. When a Legislator or a member of the Legislator's immediate family has a direct financial interest or an interest through a close economic associate in a contract for goods or services with the State, a state agency or state authority, unless the contract is awarded through competitive bidding or is exempt from competitive bidding pursuant to state purchasing laws or the payment provisions are based on uniform rates established by the State, a state agency, a state authority or other governmental entity;
- B. Granting or obtaining special privilege, exemption or preferential treatment to or for oneself or another, which privilege, exemption or treatment is not readily available to members of the general community or class to which the beneficiary belongs; and
- C. Use or disclosure of confidential information obtained because of office or position for the benefit of self or another.

**4. Contract with state governmental agency.** It is a violation of legislative ethics for a Legislator or an associated organization to enter with a state agency into any contract that is to be paid in whole or in part out of governmental funds unless the contract has been awarded through a process of public notice and competitive bidding or is exempt from competitive bidding pursuant to state purchasing laws.

**§1015-A. Campaign contributions and solicitations prohibited**

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

- A. "Contribution" has the same meaning as in Title 21-A, section 1012, subsection 2 and includes seed money contributions as defined in Title 21-A, section 1122, subsection 9, and, with respect to political action committees and ballot question committees, includes contributions as defined in Title 21-A, section 1052, subsection 3. "Contribution" does not include qualifying contributions as defined in Title 21-A, section 1122, subsection 7.
- B. "Employer" has the same meaning as in Title 3, section 312-A, subsection 5. "Employer" does not include a lobbying firm.
- C. "Legislative session" means the period of time after the convening of the Legislature and before final adjournment.
- D. "Lobbying firm" has the same meaning as in Title 3, section 312-A, subsection 9-A.
- E. "Lobbyist" has the same meaning as in Title 3, section 312-A, subsection 10.
- F. "Lobbyist associate" has the same meaning as in Title 3, section 312-A, subsection 10-A.

**2. Campaign contributions and solicitations prohibited during legislative session.** The following provisions prohibit certain contributions and solicitations and offers of contributions during a legislative session.

- A. The Governor, a member of the Legislature, a constitutional officer or the staff or agent of these officials may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate, employer of a lobbyist or lobbying firm during a legislative session.
- B. A lobbyist, lobbyist associate, employer of a lobbyist or lobbying firm may not intentionally give, offer or promise a contribution to the Governor, a member of the Legislature, a constitutional officer or the staff or agent of these officials during a legislative session.
- C. The prohibitions in paragraphs A and B apply to contributions directly and indirectly solicited or accepted by or given, offered and promised to a political action committee, ballot question committee or party committee of which the Governor, a member of the Legislature, a constitutional officer or the staff or agent of these officials is a treasurer, officer or primary fund-raiser or decision maker.
- D. The prohibitions in paragraphs A and B do not apply to the following:
  - (1) The solicitation or acceptance of a contribution from or the offer or promise of a contribution by a lobbyist, lobbyist associate, employer of a lobbyist or lobbying firm that is not the property of that lobbyist, lobbyist associate, employer of a lobbyist or lobbying firm;
  - (2) The solicitation or acceptance of a contribution from or the offer or promise of a contribution by an employer of a lobbyist or lobbying firm related to a special election to fill a vacancy from the time of announcement of the election until the election; or
  - (3) The solicitation or acceptance of a contribution from or the offer or promise of a contribution by a lobbyist or lobbyist associate related to a special election to fill a vacancy from the time of announcement of the election until the election if the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in the district where the special election will appear on the ballot.

**3. Campaign contributions and solicitations prohibited when Legislature not in legislative session.** The following provisions prohibit certain contributions and solicitations and offers of contributions when the Legislature is not in legislative session.

A. When the Legislature is not in legislative session, the Governor, a member of the Legislature or the staff or agent of these officials may not intentionally solicit or accept a contribution from a lobbyist or lobbyist associate unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the Governor or member of the Legislature will appear on the ballot.

B. When the Legislature is not in legislative session, a lobbyist or lobbyist associate may not intentionally give, offer or promise a contribution to the Governor, a member of the Legislature or the staff or agent of these officials unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the Governor or member of the Legislature will appear on the ballot.

C. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by a lobbyist or lobbyist associate that is not the property of that lobbyist or lobbyist associate.

D. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by an employer of a lobbyist or a lobbying firm.

**4. Campaign contributions and solicitations prohibited at all times.** The following provisions prohibit certain contributions and solicitations and offers of contributions at all times, regardless of whether the Legislature is in legislative session.

A. A gubernatorial or legislative candidate who is not the Governor or a member of the Legislature, or the staff or agent of a gubernatorial or legislative candidate, may not intentionally solicit or accept a contribution from a lobbyist or lobbyist associate unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the gubernatorial or legislative candidate will appear on the ballot.

B. A lobbyist or lobbyist associate may not intentionally give, offer or promise a contribution to a gubernatorial or legislative candidate who is not the Governor or a member of the Legislature, or the staff or agent of a gubernatorial or legislative candidate, unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the gubernatorial or legislative candidate will appear on the ballot.

C. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by a lobbyist or lobbyist associate that is not the property of that lobbyist or lobbyist associate.

D. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by an employer of a lobbyist or lobbying firm.

**5. Exceptions.** This section does not prohibit any of the following.

A. The solicitation, acceptance, offer or gift of money or anything of value for bona fide social events hosted for nonpartisan, charitable purposes.

B. The solicitation, acceptance, offer or promise of contributions to a member of the Legislature supporting that member's campaign for federal office.

C. The attendance of the Governor, a member of the Legislature, a constitutional officer, a gubernatorial or legislative candidate or the staff or agent of these persons at fund-raising events held by a municipal, county, state or national political party organized pursuant to Title 21-A,

chapter 5, nor the advertisement of the expected presence of any such person at any such event, as long as any such person has no involvement in soliciting attendance at the event and all proceeds are paid directly to the political party organization hosting the event or a nonprofit charitable organization.

**6. Violations.** The commission may undertake investigations to determine whether any person has violated this section. A person who violates this section is subject to a civil penalty not to exceed \$1,000 for each violation, payable to the State and recoverable in a civil action. A contribution accepted in violation of this section must be returned to the contributor.