

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1867

S.P. 639

In Senate, December 23, 2019

**An Act To Clarify Lobbyist Reporting Requirements and Simplify
Registration Requirements for State Employees Who Lobby on
Behalf of a State Department or Agency**

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, appearing to read '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. 3 MRSA §170-B**, as amended by PL 2019, c. 41, §1, is further amended to
3 read:

4 **§170-B. Required training regarding harassment**

5 All Legislators, legislative staff ~~and~~, lobbyists and lobbyist associates shall attend and
6 complete a course of in-person education and training regarding harassment, including,
7 but not limited to, sexual harassment and racial harassment, at the beginning of each
8 regular session of the Legislature. The Legislative Council shall develop and implement
9 this course of education and training. For the purpose of this section, "lobbyist" ~~has~~ and
10 "lobbyist associate" have the same ~~meaning~~ meanings as in section 312-A, ~~subsection~~
11 subsections 10 and 10-A, respectively.

12 **Sec. 2. 3 MRSA §312-A, sub-§8-A**, as enacted by PL 2007, c. 630, §5, is
13 amended to read:

14 **8-A. Legislative designee.** "Legislative designee" means any employee of a state
15 department or agency who is ~~directed~~ designated by the head of the department or agency
16 as the primary employee to lobby or monitor legislation on behalf of the department or
17 agency or who is reasonably expected to lobby on behalf of the department or agency for
18 more than 10 hours during a legislative session. ~~"Legislative designee" includes an~~
19 ~~employee who is reasonably expected to lobby or monitor legislation on behalf of the~~
20 ~~department or agency for more than 20 hours during the session. For the purposes of this~~
21 ~~subsection, "monitoring legislation" means attending legislative hearings and sessions~~
22 ~~regarding a legislative action.~~

23 **Sec. 3. 3 MRSA §312-A, sub-§9-A** is enacted to read:

24 **9-A. Lobbying firm.** "Lobbying firm" means a partnership, corporation, limited
25 liability company or unincorporated association that employs or contracts with more than
26 one lobbyist or lobbyist associate and that receives or is entitled to receive compensation
27 for engaging in lobbying either directly or through its employees.

28 **Sec. 4. 3 MRSA §312-A, sub-§11-A**, as amended by PL 2009, c. 282, §2, is
29 further amended to read:

30 **11-A. Original source.** "Original source" means any person who ~~contributes or~~
31 ~~pays~~ \$1,000 or more in any lobbying year directly or indirectly to any employer of a
32 lobbyist for purposes of lobbying or indirect lobbying, except that ~~contributions~~ payments
33 of membership dues to nonprofit corporations formed under Title 13-B, under any
34 equivalent state law or by legislative enactment are not considered ~~contributions~~
35 payments by an original source.

36 **Sec. 5. 3 MRSA §312-B**, as enacted by PL 2017, c. 443, §2, is amended to read:

1 **§312-B. Required training regarding harassment**

2 A lobbyist or lobbyist associate shall complete the training required under section
3 170-B, retain proof of completion of the training for 2 years following completion and
4 certify completion of that training to the commission at the time of registration under
5 section 313. If completion of the required training prior to registration is not possible due
6 to circumstances that are beyond a lobbyist's or lobbyist associate's control, the
7 commission may provide a limited extension to that lobbyist or lobbyist associate for
8 completion of the training. If a lobbyist or lobbyist associate has a very limited physical
9 presence in the State House and the Burton M. Cross Building, the commission may
10 exempt the lobbyist or lobbyist associate from the requirements of this section.

11 **Sec. 6. 3 MRSA §313**, as amended by PL 1999, c. 745, §1, is further amended to
12 read:

13 **§313. Registration of lobbyists, lobbyist associates and employers**

14 ~~Every employer of a lobbyist and every lobbyist and lobbyist associate who lobbies~~
15 ~~on behalf of that employer shall register jointly at the office of~~ A lobbyist shall submit a
16 joint registration for the lobbyist and any lobbyist associates and the employer of that
17 lobbyist with the commission no later than 15 business days after commencement of
18 lobbying more than 8 hours in a month and pay a registration fee of \$200 for the
19 registration of each lobbyist and \$100 for the registration of. For each lobbyist associate
20 or such other amounts as the commission determines approximate the cost to the
21 commission of administering and enforcing the provisions of this chapter included in the
22 registration, the lobbyist shall pay an additional \$100 fee.

23 **Sec. 7. 3 MRSA §313-A**, as amended by PL 2007, c. 630, §9, is further amended
24 to read:

25 **§313-A. Registration of state employees or state agency employees**

26 Within 15 business days of the convening of a regular legislative session, a
27 department or agency shall register with the commission ~~as described in section 316-A~~
28 ~~those officers or~~ state employees or state agency employees who will serve as the
29 department's or agency's legislative designees for the session by submitting to the
30 commission a list that must include the name and position of each employee, the name of
31 the department or agency and the name of the bureau or division within the department
32 for which each employee works and the mailing address, e-mail address and phone
33 number of each employee. The department or agency shall ~~file an updated registration~~
34 ~~form later in the session containing~~ notify the commission in writing of any changes of its
35 designees within 15 business days of the change.

36 An employee who is required to be registered under this section is exempt from all
37 other requirements under the law regarding lobbyists.

38 **Sec. 8. 3 MRSA §316, sub-§3**, as amended by PL 1993, c. 446, Pt. A, §13 and
39 affected by §20, is further amended to read:

1 **3. Date.** The date upon which lobbying commenced and the date on which the
2 lobbyist exceeded 8 hours of lobbying in a month or was expected to commence a
3 statement that the lobbyist is registering without having reached the 8-hour threshold for
4 registering pursuant to section 313;

5 **Sec. 9. 3 MRSA §316, sub-§4-D**, as enacted by PL 2017, c. 443, §4, is amended
6 to read:

7 **4-D. Date of completion or extension of or exemption from required harassment**
8 **training.** The date that the lobbyist completed the training required under section 170-B
9 or requested an extension or exemption pursuant to section 312-B; and

10 **Sec. 10. 3 MRSA §316-A**, as amended by PL 2015, c. 267, Pt. F, §2, is repealed.

11 **Sec. 11. 3 MRSA §317, first ¶**, as repealed and replaced by PL 1993, c. 691, §18,
12 is repealed and the following enacted in its place:

13 A registered lobbyist shall file a report for each month that the Legislature is in
14 session on forms prescribed or approved by the commission, even if no lobbying has been
15 performed or compensation or reimbursement for expenses received for the month.

16 **Sec. 12. 3 MRSA §317, sub-§1**, as amended by PL 2009, c. 282, §§4 and 5, is
17 further amended to read:

18 **1. Monthly session reports.** During the period in which the Legislature is in
19 session, ~~every~~ a registered lobbyist shall file with the commission, no later than 11:59
20 p.m. on the 15th calendar day of each month, a report concerning the lobbyist's activities
21 for the previous month regarding each employer.

22 ~~Every lobbyist shall report that lobbyist's lobbying activities for each month that the~~
23 ~~Legislature is in session, even if no lobbying has been performed or compensation or~~
24 ~~reimbursement for expenses received for the month. In the case of a lobbyist representing~~
25 ~~multiple employers, if no lobbying or services in support of lobbying were performed,~~
26 ~~one report listing each employer on whose behalf no lobbying was conducted may be~~
27 ~~submitted.~~ The monthly report must contain the following information:

- 28 A. The month to which the report pertains;
- 29 B. The name and address of the lobbyist and employer;
- 30 C. The names of the individuals who lobbied during the month;
- 31 D. ~~The specific dollar~~ total amount of compensation the lobbyist and lobbyist
32 associates received or expect to receive for lobbying activities, ~~as defined in section~~
33 ~~312-A, subsection 9~~, during the month. The amount of compensation ~~received~~ for
34 lobbying officials in the legislative branch, officials in the executive branch and
35 constitutional officers must be reported separately.

36 In the case of a lobbyist or lobbyist associate who is a regular employee of the
37 employer, the ~~specific dollar~~ amount of compensation must be computed by
38 multiplying the number of hours devoted to the preparation of documents and

1 research for the primary purpose of influencing legislative action and to lobbying by
2 the employee's regular rate of pay based on a 40-hour week;

3 E. ~~The specific dollar total~~ amount of expenditures made or incurred by the lobbyist
4 and lobbyist associates during the month that is the subject of the report for purposes
5 of lobbying as defined in section 312-A, subsection 9 for which the lobbyist has they
6 have been or expects expect to be reimbursed. The amount of expenditures for
7 lobbying officials in the legislative branch, officials in the executive branch and
8 constitutional officers must be reported separately;

9 E-1. When expenditures for the purposes of indirect lobbying exceed \$15,000 during
10 the month that is the subject of the report, the specific dollar amount of expenditures
11 for indirect lobbying made or incurred during the month by a lobbyist, lobbyist
12 associate or employer, with separate totals for expenditure categories as determined
13 by the commission, the legislative actions that are the subject of the indirect lobbying
14 and a general description of the intended recipients;

15 F. The total amount of expenditures by the lobbyist ~~or~~ and lobbyist associates on
16 behalf of the employer for which they have been or expect to be reimbursed and by
17 the employer directly to or on behalf of one or more covered officials, including
18 members of the official's immediate family;

19 G. For ~~any each~~ expenditure of money or anything of value made by the lobbyist or
20 employer on behalf of a covered official or a member of the official's immediate
21 family with a total retail value of \$25 or more, ~~the name of the official or family~~
22 member of \$25 or more reported under paragraph F, the person making the
23 expenditure and the date, amount and purpose of the expenditure and the name of the
24 covered official or official's immediate family member on whose behalf the
25 expenditure was made;

26 G-1. ~~The~~ If the total cost for covered officials and the officials' immediate family
27 members to attend an event paid for by the employer or by the lobbyist on the
28 employer's behalf is \$250 or more, the date and a description of an the event, a list of
29 all officials in the legislative branch or executive branch or members of an official's
30 the names of covered officials and the officials' immediate family members in
31 attendance and the total amount of expenditures for the event, if the total amount of
32 the expenditures for officials and family members is \$250 or more cost for the
33 covered officials and the officials' immediate family members to attend the event;

34 H. A list of each legislative action by Legislative Document number, specific issue,
35 nomination or other matter in connection with which the lobbyist is engaged in
36 lobbying;

37 I. A list specifically identifying each legislative action for which the lobbyist ~~was~~
38 and lobbyist associates were compensated or expects expect to be compensated, or
39 expended in excess of \$1,000 for lobbying activities related to those actions and a
40 statement of the amounts compensated or expended for each; and

41 J. A list of all of the employer's original sources and a statement of the dollar
42 amounts contributed or paid by the original sources to the employer. If the original
43 source is a corporation formed under Title 13 or 13-C or former Title 13-A, nonprofit
44 corporation formed under Title 13-B or limited partnership under Title 31, the

1 corporation, nonprofit organization or limited partnership, not the individual
2 members or contributors, must be listed as the original source.

3 **Sec. 13. 3 MRSA §317, sub-§1-A** is enacted to read:

4 **1-A. Lobbyist expenditure reports.** A lobbyist or lobbyist associate who makes an
5 expenditure directly to or on behalf of a covered official or a member of the covered
6 official's immediate family that is not reportable under subsection 1, paragraphs F, G or
7 G-1 shall file a report pursuant to this subsection. If such an expenditure is made by a
8 lobbying firm, a lobbyist or lobbyist associate from that lobbying firm shall report the
9 expenditure.

10 A. A report under this subsection is required if:

11 (1) The total amount of expenditures directly to or on behalf of covered officials
12 and their immediate family members is more than \$300 in a calendar month; and

13 (2) The lobbyist or lobbyist associate has not been and does not expect to be
14 reimbursed by any employer.

15 B. The report must include:

16 (1) The date of the expenditure;

17 (2) The name and address of the lobbyist or lobbyist associate and lobbying firm;

18 (3) The amount of the expenditure made or incurred by the lobbyist, lobbyist
19 associate or lobbying firm either directly to or on behalf of a covered official or a
20 covered official's immediate family member;

21 (4) A description of the goods or services purchased by the lobbyist, lobbyist
22 associate or lobbying firm;

23 (5) The date and a description and location of an event paid for by the lobbyist,
24 lobbyist associate or lobbying firm at which covered officials and the covered
25 officials' immediate family members were in attendance; and

26 (6) The names of all covered officials and their immediate family members to
27 whom the expenditures were directly made or on whose behalf the expenditures
28 were made or who attended an event paid for by the lobbyist, lobbyist associate
29 or lobbying firm.

30 C. A report under this subsection is due no later than 11:59 p.m. on the 15th calendar
31 day of the month following the month in which the expenditure was made or
32 incurred.

33 **Sec. 14. 3 MRSA §317, sub-§4, ¶A**, as enacted by PL 1993, c. 446, Pt. A, §14
34 and affected by §20, is amended to read:

35 A. With the lobbyist's last monthly report for that regular session a statement that the
36 lobbyist will not engage in lobbying activities when the Legislature is not in session.
37 The lobbyist is required to file a monthly report for lobbying activity conducted
38 during a special session; or

