

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to S.P. 150, L.D. 513, Bill,  
"AN ACT Revising Lobbyist Disclosure Procedures."

Amend said Bill by striking out everything after the  
enacting clause and inserting in place thereof the following:

13 MRSA c. 15, as amended, is repealed and the following  
enacted in place thereof:

CHAPTER 15

LOBBYIST DISCLOSURE PROCEDURES

§311. Declaration of purpose

← The Constitution of Maine  
guarantees the right of the people to petition their govern-  
ment for the redress of grievances and to freely express  
their opinions on legislation and issues. The Legislature  
reaffirms its obligation to hear the requests and opinions  
of all of the people, and to preserve and maintain the integ-  
riety and accessibility of the legislative process.

The Legislature recognizes that groups of citizens may  
choose one among them to present their views to legislators,  
and, because of the amount and complexity of proposed legis-

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lation, may employ persons knowledgeable in the legislative process to present their views. Such activities are proper methods of expressing the opinion of a group of citizens.

The Legislature also recognizes that such activities must be carried out openly so that other citizens are aware of the opinions and requests made in this manner. Legislative decisions can fully reflect the will of all the people only if the opinions expressed by any citizen are known to all and debated by all, and if the representatives of groups of citizens are identified and their expenditures and activities are regularly disclosed.

Therefore, the Legislature declares that, in order to insure the full participation of all the people of the state in the legislative process, full disclosure of the identity, expenditures and activities of any persons who engage in professional lobbying is required. Such disclosure will insure the openness and integrity of the legislative process and encourage the expression of the will of all the people of the State.

§312. Definitions

As used in this chapter, unless the context otherwise indicates, the following words and phrases shall have the following meanings.

1. Compensation. "Compensation" means money, service or anything of value or financial benefit which is received or to be received in return for or in connection with services rendered or to be rendered.

2. Employment. "Employment" means an agreement to provide services in exchange for compensation or reimbursement of expenditures.

3. Employer. "Employer" means one who agrees to reimburse for expenditures or to compensate an individual who in return agrees to provide services.

4. Expenditure. "Expenditure" means any advance, conveyance, deposit, distribution, transfer of funds, payment, pledge or subscription of money or any thing of value or any contract, promise or agreement to transfer funds or any thing of value, whether or not legally enforceable.

5. Gift. "Gift" means a payment, subscription, advance, rendering or deposit of money, services or anything of value, unless consideration of equal value is received. "Gift" shall

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not mean a political contribution otherwise reported as required by law, or a commercially reasonable loan made in the ordinary course of business, but shall mean forbearance to collect any debt.

6. Immediate family. "Immediate family" means a person's spouse, parents and children.

7. Legislative action. "Legislative action" means introduction, sponsorship, debate, amendments, passage, approval, defeat or any other official action relating to any bill, resolution, amendment or any other matter pending or proposed in a legislative committee or in either House of the Legislature or any matter which is within the jurisdiction of the Legislature.

8. Lobbying. "Lobbying" means communicating directly or soliciting others to communicate with any official in the Legislative branch for the purpose of influencing any legislative action, when such activities are engaged in pursuant to employment.

9. Lobbyist. "Lobbyist" means any person who engages in lobbying, including any officer, agent, counsel or employee who is paid a regular salary or retainer and whose duties specifically include lobbying.

10. Media expenditure. "Media expenditure" means an expenditure for the purchase of space, and preparation of any material to be used, in any newspaper or other regularly published periodical, or

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for the purchase of time, and preparation of material to be used, on any radio or television station, if such expenditure is for the purpose of influencing directly or indirectly any legislative action.

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

12. Person. "Person" means an individual, a business, corporation, association, labor union, firm, partnership, committee, club or other organization.

13. Public official. "Public official" means any officer or employee in any branch of state government, or any officer or employee of any political subdivision of the state.

14. Reimbursement. "Reimbursement" means any money or anything of value received or to be received as repayment for expenditures.

§313. Those required to register; fees

1. Lobbyists. Any person accepting employment to act as a lobbyist shall register at the office of the Secretary of State within 2 business days after the acceptance of such employment and shall pay a fee of \$10. If such person accepts employment as a lobbyist for more than one employer, he shall register each such employment and pay a \$10 fee for each registration.

2. Employers. Any person who employs a lobbyist shall register at the office of the Secretary of State within 2 business days after employing such lobbyist and shall pay a fee of \$25. If such person employs more than one lobbyist, he shall register for each lobbyist employed, but shall pay no additional fee.

§314. Those not required to register

A person shall not be required to register with the Secretary of State if he is:

1. Official. A public or federal official acting in his official capacity.

2. Member of the press. A publisher or working member of the press, radio or television who in the ordinary course of business disseminates news or editorial comment to the general public, provided that such person engages in no lobbying that would directly or specifically benefit the economic, business or professional interests of such person or his employer.

3. Representative of a religious organization. A representative of a recognized religious organization who represents such organization solely for the purpose of protecting the right of the members of such organization to practice a religious belief.

§315. Duration of registration

Each registration required pursuant to this chapter shall be valid until the last day of the year in which registration occurs. Such registration must be renewed within the first (ten) days of the subsequent year to remain valid, and each renewal of registration shall be accompanied by the fee required at the time of the original registration. Upon termination of employment of a lobbyist, the fact of termination and the date thereof shall be reported to the Secretary of State by the employer within 30 days of such termination. Termination of such employment shall not relieve the lobbyist or employer of the reporting requirements of this chapter.

§316. Registration docket; information to be included; maintenance and inspection

The Secretary of State shall prepare and keep a docket for the registration of lobbyists and their employers, which docket shall be open to public inspection during the office hours of the Secretary of State and shall contain the name of each lobbyist and his employer, the business address of the employer, the business address of the lobbyist, the nature of business of the employer, and the nature, value and terms of the compensation paid or to be paid to the lobbyist. Such docket shall be



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continuously updated and shall be arranged and indexed as follows:

Under name of employer.

1. / Under the names of each employer shall appear all information filed by him in connection with each registration required, including the name of each lobbyist employed by him and required information concerning such lobbyists;

Under name of lobbyist.

2. / Under the name of each lobbyist shall appear all information filed by him in connection with each registration required, including the name of each employer and required information concerning such employer.

Upon termination of the employment of a lobbyist and the reporting of such termination by the employer, the fact of such termination and the date thereof shall be entered under the name of the employer and lobbyist.

Such docket shall be reestablished annually by the Secretary of State and the docket for any year shall be maintained and be available to the public for 4 years in the office of the Secretary of State.

§317. Summary of activities

It shall be the duty of every lobbyist to file with the Secretary of State between the first and 15th calendar days of each month subsequent to a month in which he was employed as a lobbyist a report concerning his activities as a lobbyist during the previous month. He must file a separate activity report for each employer from whom he has accepted employment a.

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a lobbyist. Such report shall be on a form prescribed by the Secretary of State and shall include:

1. Registration information. A complete and current restatement of the information required to be supplied under section 316.

2. Compensation. Compensation received or due to be received for activities as a lobbyist during the previous month;

3. Expenditures. Total expenditures during the previous month for activities as a lobbyist for which reimbursement has been made or is expected. Such expenditures shall be itemized, by amount of expenditure, date of expenditure, and the purpose of the expenditure, including office expenses, meals, lodging, travel and other expenses;

4. Scope of activity. Scope of activity as a lobbyist in terms of approximate hours or days expended and the number of appearances before legislative committees, including identification of the legislation involved.

All information contained in such reports shall be so arranged and indexed by the Secretary of State that it becomes a part of the registration docket required by section 316 and is open to public inspection.

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§318. Statement of expenditures

It shall be the duty of every employer of a lobbyist to file an itemized report of expenditures in the office of the Secretary of State within 30 days after the adjournment of each session of the Legislature and during the last 10 days of each calendar year. Each such report shall be filed on a form provided by the Secretary of State and shall show in detail all expenditures by such employer connected with lobbying during each session and each year, with the names of payees, the amount paid to each, including all disbursements paid to or promised to lobbyists and specifying the legislative matter in connection with which such expenditures were made.

All information contained in such expenditure reports shall be so arranged and indexed by the Secretary of State that it becomes a part of the registration docket required by section 316 and is open to public inspection.

§319. Media expenditures

It shall be the duty of every person, whether or not a lobbyist or employer of a lobbyist, who incurs total media expenses in excess of \$500 for the purpose of promoting or opposing, directly or indirectly, any legislative matter, to file with the Secretary of State within 15 days of such expenditure on a form provided by

the Secretary of State a list of any and all such media expenditures.

All information contained in such reports shall be so arranged and indexed by the Secretary of State that it becomes a part of the registration docket required by section <sup>316.</sup> Information contained in such reports shall also be included in the report required by <sup>section 318</sup> if the person who incurs the media expenditure is also required to file such report.

§320. Records

Any person required to register or report pursuant to this chapter shall obtain and preserve all accounts, bills, receipts, books, papers and documents necessary to substantiate such registration or report for 4 years from the date of filing such report. Upon request of the Secretary of State, such materials shall be made available for inspection.

§321. Verification of information

Any information required to be filed with the Secretary of State pursuant to  $\leftarrow$  this chapter shall be verified by the oath of the person required to file or in the case of a firm a member thereof or in the case of a domestic corporation or association by an officer thereof or in the case of a foreign corporation or association of an officer or agent

thereof.

§322. Restricted activities

1. Gifts. No person required to register or report under the provisions of this chapter shall give to an official in the legislative branch or a member of his immediate family gifts that exceed \$50 in the aggregate in any calendar year.

2. Solicitation. No official in the legislative branch or member of his immediate family shall solicit or accept anything of value in violation of subsection 1.

3. Contingent compensation. No person shall employ or be employed as a lobbyist for compensation contingent in any manner upon the outcome of any legislative action.

§323. Penalties

1. Perjury. The penalty for willfully and knowingly filing incorrect or incomplete information in a registration or report required by this chapter shall be that provided for perjury.

2. Fine or imprisonment. The penalty for willfully or knowingly failing to file a registration or report as required by this chapter, or for violating a provision of section 322 shall be a fine of not more than \$1,000 or imprisonment for not more than 11 months, or both.

§324. Enforcement

The provisions of this chapter may be enforced by the Attorney General, upon the request of the Secretary of State.

§325. Powers and duties of the Secretary of State

In order to carry out the purposes of this chapter, the Secretary of State shall have the following powers and duties:

1. Use of fees. To use all fees collected pursuant to this chapter for the administration of the chapter;
2. Rules and regulations. To prescribe and publish, after notice and opportunity for public comment, rules and regulations needed to carry out this chapter;
3. Forms. To prescribe forms for registration and reports required to be filed by this chapter and to furnish such forms to persons required to file such statements and reports;
4. Voluntary information. To accept and file any information voluntarily supplied which exceeds the requirements of this chapter;
5. Make information available. To make registrations and reports filed with his office available for public inspection and copying during regular office hours and make copying facilities available at cost;

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6. Preserve and dispose of records. Preserve all registrations and reports filed pursuant to this chapter for 4 years from date of receipt and thereafter dispose of same.

Fiscal Note

A provision of this bill dedicates fees paid by lobbyists and their employers for use in the administration of this chapter. It is estimated that such fees would total about \$10,000 annually, which would be sufficient for the Secretary of State to hire personnel for administration, provide the necessary forms and maintain storage facilities as required by this chapter.'

Statement of Fact

The purpose of this amendment is to provide for registration of all lobbyists and their employers, to require filing of monthly activity reports by lobbyists, to require reporting of expenditures by persons required to register as employers of lobbyists, to require reporting of all expenditures for media lobbying, to prohibit certain activities on the part of lobbyists, their employers and legislative officials and to provide that all registration fees paid by lobbyists and their employers shall be used in the administration of disclosure laws.

Reported by the Committee on State Government.  
Reproduced and distributed pursuant to Senate Rule 11-A.  
June-13, 1975 (Filing No. S-312)