

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 513

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S. P. 150

In Senate, February 4, 1975

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Reeves of Kennebec.

Cosponsors: Senator Collins of Knox; Senator Clifford of Androscoggin;  
Senator Curtis of Penobscot.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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### AN ACT Revising Lobbyist Disclosure Procedures.

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

**Sec. 1.** 3 MRSA, § 311, sub-§ 2, as enacted by PL 1973, c. 340, § 1, is repealed.

**Sec. 2.** 3 MRSA, § 312, sub-§ 2, ¶ A, as enacted by PL 1973, c. 340, § 1, is amended to read:

**A.** It shall be the duty of every person, firm, association or corporation who employs a legislative counsel or agent to file an itemized statement in the office of the Secretary of State within ~~30 days after the adjournment of the Legislature~~ 10 days following the end of each calendar month.

**Sec. 3.** 3 MRSA, § 312, sub-§ 2, ¶ B, as enacted by PL 1973, c. 340, § 1, is amended by adding at the end a new sentence to read:

This statement shall include by number reference, resolves, orders and legislative documents for which lobbying activity was undertaken and whether the legislative counsel or agent undertaking the lobbying activity was a proponent or opponent of the particular bill.

**Sec. 3-A.** 3 MRSA, § 312, sub-§ 2, ¶ D, is enacted to read:

**D.** "Itemized statement" in paragraph A means a listing of dollar income including any fee, retainer, salary or compensation which is received directly or indirectly for lobbying activities and dollar expenditures and liabilities incurred in each of the following categories: Personnel, consultant

services, postage, travel, living costs including food and lodging, miscellaneous and cost of services to Legislators. Cost of services provided to Legislators shall include the name of each Legislator for whom a service was provided with the following items of expenditures listed, by Legislator: Meals, entertainment, mailing services, business services including telephone and postage and other. "Other" shall be specified.

Sec. 4. 3 MRSA, § 312, sub-§ 3, is enacted to read:

3. Secretary of State to provide reports. The Secretary of State shall provide to the chairman of any legislative committee a report of any records of legislative agent or counsel activity in regard to the particular bill, order or resolve that is being reported by that committee. This report of activity shall be part of the report of the committee to the Legislature and be a part of the public record.

Sec. 5. 3 MRSA, § 314, is repealed and the following enacted in place thereof:

#### § 314. Legislative counsel and legislative agent, defined

The term "legislative counsel" or "legislative agent" means a person who makes a total expenditure in excess of \$200 in a calendar quarter, including normal salary or fees, not including his own travel, food or lodging or his own membership dues for communicating directly with one or more Members of the Legislature to influence legislation. The term "legislative counsel" or "legislative agent" also means a person who receives compensation or reimbursement from another, including regular salary that totals \$200 or more in any calendar quarter, to communicate directly with Members of the Legislature to influence legislation.

Sec. 6. 3 MRSA, § 315, is amended by adding a new sentence at the end to read:

Legislative counsel or agent shall not include persons appearing before a legislative committee at the invitation of the committee who receive no compensation for their appearance other than reimbursement from the State for expenses and engage in no further or other activities to influence legislation.

Sec. 7. 3 MRSA, § 316, is repealed and the following enacted in place thereof:

#### § 316. Penalties

Any registrant who files an activity report after the time provided in section 312 shall be fined \$5 per day by the Secretary of State for each day that it is late, provided that the Secretary of State may reduce or waive any fine upon a finding of just cause. Any person who violates the provisions of sections 311, 312 or 317 shall be fined not more than \$1,000 if an individual, and not more than \$10,000 if not an individual, or shall be imprisoned for not more than one year, or shall be both fined and imprisoned. The Attorney General shall cause prosecutions to be instituted for the violation of any provisions of this chapter.

Sec. 8. 3 MRSA, § 317, is enacted to read:

§ 317. Restricted activities

1. Gifts in excess of \$100 in aggregate prohibited. No registrant or anyone acting on behalf of a registrant shall give to an official in the legislative or executive branch or a member of their staff or immediate family gifts that exceed \$100 in aggregate value during any calendar year.

2. False or misleading statements prohibited. No registrant shall knowingly or willfully make any false or misleading statement or misrepresentation of the facts to any official in the legislative or executive branch, or knowing a document to contain a false statement, cause a copy of such document to be received by an official in the legislative or executive branch without notifying such official in writing of the truth.

3. Employment on contingency basis prohibited. No person shall be employed as a lobbyist for compensation contingent in any manner upon the outcome of any administrative or legislative action.

4. Government officials prohibited from accepting compensation for lobbying. No official in the executive branch and no official in the legislative branch shall receive compensation or reimbursement other than from the State for personally engaging in lobbying. "Official in the executive branch" means any candidate for public office in the executive branch or any member or employee of an executive agency. "Official in the legislative branch" means any candidate for the Legislature in a primary, special or general election, any Member or Member-elect of the Legislature, any member of a commission established by and responsible to the Legislature or either House thereof, and any staff person, assistant or employee of same, whether or not he receives compensation from the State.

#### STATEMENT OF FACT

This Act defines lobbyists and their permitted activities more strictly, provides for greater accountability of lobbyist income and expenditures, provides for monthly reports to the Secretary of State of lobbyist activity on pending legislation, requires the Secretary of State to report to the Legislature on the activity of lobbyists, and provides specific penalties for violation of statutory provisions on lobbying.