

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 1608

S. P. 474

In Senate, April 8, 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.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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**AN ACT Establishing Registration Procedures for Administrative Lobbyists  
and Proscribing Certain Lobbying Activities.**

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

5. MRSA c. 17 is enacted to read:

CHAPTER 17

ADMINISTRATIVE LOBBYING REGULATION

§ 351. Definitions

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

1. Administrative action. "Administrative action" means any decision on, or proposal, consideration, enactment, defeat of the making of any rule, regulation or other official nonministerial action or nonaction by any state agency, or any matter which is within the official jurisdiction of a state agency.

2. Expenditure. "Expenditure" means money paid, loan made, goods given, services rendered or benefit conferred, including use of office space, telephones, equipment, staff services, meals, drinks, entertainment or transportation. This definition shall be construed as broadly as possible to include anything for which a recipient would or could be expected to pay money.

3. Lobbying. "Lobbying" means communicating with an official in a state agency for the purpose of promoting, opposing or influencing, directly or indirectly, the taking of any administrative action.

4. Lobbyist. "Lobbyist" means any person who:

A. Receives compensation of \$200 or more in a calendar quarter for lobbying, whether that compensation is solely for lobbying or the lobbying is incidental to that person's regular employment; or

B. Receives reimbursement of \$200 or more in a calendar quarter for expenses incurred from lobbying; or

C. Expends \$200 or more in a calendar quarter for lobbying.

A person is not a lobbyist if he or she is a public or federal official acting in his or her official capacity; 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 and specifically benefit the economic, business or professional interests of such person or his employer; or a private individual acting without compensation, on an issue which directly concerns the individual in his or her private capacity.

5. Person. "Person" means an individual, corporation, association or any other organization or group of 2 or more individuals.

6. State agency. "State agency" means a commission, board, department, division, agency or other body or official in the Executive Branch of the State Government and any independent body of the State Government that is not a part of the Legislative or Judicial Branch.

### § 352. Registration

1. Time limit. Every lobbyist must file a registration statement each calendar year, within 48 hours after beginning to lobby. A single statement, jointly signed, may be filed by the person making and the person receiving compensation for lobbying.

2. Place. The registration statement shall be filed with the office of the Secretary of State on a form prescribed by it and shall be accompanied by a filing fee of \$10.

3. Information to be reported. The registration statement shall contain the following information:

A. Name, address and occupation or nature of organization or business of lobbyist;

B. Name, address and description, if other than an individual, of the person on whose behalf lobbying is being done. If a business association, then the names and addresses of all member businesses;

C. If a corporation is anywhere listed in the registration statement, then the names and addresses of all persons who control either directly or indirectly 15% of the voting shares of the said corporation or all corporations which are controlled either directly or indirectly by said corporation to the extent of 15% of the voting shares of the controlled corporation;

D. Description and purpose of lobbying to be engaged in for the calendar year, including a list of each state agency and the administrative actions which he or she will attempt to influence as a substantial or regular portion of his or her activities as a lobbyist;

E. Nature and terms of compensation and reimbursement agreement, if any;

F. Any other information deemed advisable by the Secretary of State consistent with the purposes and provisions of this chapter;

G. A signed statement, attesting to the truth of the information contained therein.

4. Termination. Every lobbyist who discontinues lobbying on behalf of any person or administrative action before the end of the calendar year shall file a separate notice for each termination with the office of the Secretary of State on a form prescribed by it, within 10 days of said termination. However, if all lobbying activities are simultaneously discontinued, then one notice of termination is sufficient.

#### § 353. Financial statements

1. Filing. Every lobbyist must file a financial statement at the end of each calendar month, beginning with the month in which the registration statement is filed and continuing until the month following the one in which a notice of termination of registration is filed, whether or not the lobbyist has engaged in any lobbying that month.

2. Time limit. The financial statement shall be filed with the office of the Secretary of State within 5 days after the last day of the calendar month on a form prescribed by it.

3. Information to be reported. The financial statement shall contain the following information broken down, where applicable, according to the particular administrative action being lobbied and upon whose behalf:

A. Copy of or incorporation of registration statement;

B. Itemization of all compensation paid for lobbying during the month, including amount, when paid, by whom and to whom;

C. Itemization of all expenditures made for lobbying during the month, including the amount, or fair market value thereof, purpose, date and person to whom or for whom made;

D. Itemization of all expenditures and compensation promised for lobbying, whether legally enforceable or not, including the amount, or fair market value thereof, date and person to whom or for whom promised; and

E. Signed statement that information therein contained is complete and truthful.

#### § 354. Publication

1. List. The office of the Secretary of State shall maintain a complete list of lobbyists compiled from the registration statements filed with it, con-

taining the names, addresses and a synopsis of the other information set out in the registration statements. The list shall be updated monthly and distributed by the Secretary of State to the Governor, the Legislature, heads of all state agencies, the press and such other persons as the Secretary of State deems appropriate, as well as to any persons who have requested such distribution. Each such list shall contain, in a prominent place, the information that the registration statement and the monthly financial statements filed by lobbyists are available upon request.

2. Public access. The Secretary of State shall maintain public files of the monthly financial statements filed by lobbyists available to anyone who wishes to examine and copy them. The Secretary of State shall distribute copies of any or all financial or registration statements to anyone requesting them. The Secretary of State may charge only the actual cost of copying exclusive of labor costs.

#### § 355. Prohibitions

1. Lobbyists. It shall be unlawful for a lobbyist to:

A. Make contributions or act as an agent or intermediary for anybody making any contributions for political candidates or campaigns;

B. Make gifts or expend funds on any one person for the purpose of lobbying, aggregating more than \$10 per calendar month;

C. Do anything with the purpose of placing any elected or appointed employee of a state agency, who is in a policy making position, under personal obligation to him;

D. Deceive or attempt to deceive any elected or appointed employee of a state agency, who is in a policy making position, in relation to any material fact pertinent to any pending or proposed administrative action;

E. Attempt to create a fictitious appearance of public favor or disfavor with any pending or proposed administrative action or to represent falsely that he can either directly or indirectly control official actions of any state official;

F. Participate in a lobbying agreement where the compensation is contingent in whole or in part, upon the outcome of the administrative action involved.

2. Others. It shall be unlawful for any person to knowingly receive contributions or gifts made unlawful by subsection 1.

#### § 356. Enforcement

1. Duties. The Secretary of State shall be responsible for insuring timely and substantive compliance with this chapter and upon reasonable belief of violation shall make complaint to the Attorney General, who shall cause prosecutions to be instituted for said violation.

2. Penalties. A violation of any of the provisions of this chapter by any person shall constitute a misdemeanor, punishable by imprisonment for not

more than one year or by a fine of not more than \$10,000, or by both. In addition, such conviction shall result in all persons convicted being prohibited from lobbying in the State for 5 years.

§ 357. Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the chapter and its application to other persons and circumstances shall not be affected thereby.

STATEMENT OF FACT

The purpose of this bill is to require public accountability by persons who lobby within the Executive Branch of State Government and proscribe certain of their activities.