

MAINE STATE LEGISLATURE

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(Governor's Bill)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1748

H. P. 1639

House of Representatives, January 2, 1980

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

EDWIN H. PERT, Clerk of the House

Presented by Mrs. Bachrach of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Amend the Lobbyists Disclosure Law.

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

Sec. 1. 3 MRSA § 312, sub-§§ 8 and 9, as reenacted by PL 1975, c. 724, are repealed and the following enacted in their place:

8. Lobbying. "Lobbying" means to communicate directly with any official in the Legislative Branch for the purpose of influencing any legislative action, when reimbursement for expenditures or compensation is made for those activities, unless the communication is made at the written request of an official of the Legislative Branch.

"Lobbying" includes all services performed in support of and in conjunction with lobbying, including drafting legislation, preparing documents, performing research, preparing testimony and other materials for presentation at public hearings held by committees, and consultation or conferences with the lobbyist's employer.

"Lobbying" does not include the presentation of oral or written testimony by any person who is not a "lobbyist" as defined in this section, before any committee which is conducting a public hearing.

9. Lobbyist. "Lobbyist" means any person who is specifically paid a salary,

fee, retainer or any other compensation or anything of value for the purpose of and who actually engages in lobbying; or any person who, as a regular employee, is expected to lobby as part of his designated regular duties; or a regular employee whose designated regular duties do not include lobbying, but who spends at least 8 hours in any calendar month lobbying and is compensated or reimbursed for the lobbying by the employer.

Sec. 2. 3 MRSA § 313, as amended by PL 1977, c. 108, § 1 is further amended to read:

313. Registration

Any person acting as a lobbyist and the person who employs that lobbyist shall jointly register at the office of the Secretary of State ~~no later than 7 business days after~~ before the commencement of activities constituting lobbying and a fee, as determined by the Secretary of State, shall be paid for such joint registration.

Sec. 3. 3 MRSA § 314, as reenacted by PL 1975, c. 724, is repealed and the following enacted in its place:

§ 314. Duration of registration

Each joint registration filed pursuant to this chapter shall automatically expire on the last day of the calendar year during which the person was registered to lobby, unless as otherwise provided.

A registration shall expire if the employer notifies the Secretary of State in writing that the lobbyist is no longer engaged by the employer to lobby. If termination occurs prior to December 31st, the notification shall be given within 30 days of the termination.

If termination is affected prior to December 31st, no further reports are required, except that the lobbyist and employer are required to file an annual report pursuant to section 317, subsection 3.

A new registration shall be filed pursuant to section 313 before any lobbying is commenced after the lobbyist's employment has been terminated.

Sec. 4. 3 MRSA § 317, as amended by PL 1977, c. 108, §§ 2 and 3, is repealed and the following enacted in its place:

§ 317. Reports

1. Monthly session reports. During the period in which the Legislature is in session, every registered lobbyist shall file with the Secretary of State, no later than 15 calendar days subsequent to the conclusion of the preceding month, a report concerning the lobbyist's activities for the previous month regarding each employer.

Every lobbyist shall report his lobbying activities for each month that the Legislature is in session, even if no lobbying has been performed or compensation or reimbursement for expenses received. In the case of a lobbyist representing

multiple employers, if no lobbying or services in support of lobbying were performed, one report listing each employer on whose behalf no lobbying was conducted, may be submitted.

The monthly report shall be on a form prescribed by the Secretary of State and shall contain the following information:

- A. The month to which the report pertains;
- B. The name and address of the lobbyist and employer;
- C. The names of the individuals who lobbied during the month;
- D. The specific dollar amount of compensation received or due to be received for lobbying and services in support of lobbying, regarding any legislative action, including research, drafting and preparing documents, preparing testimony and materials for public hearings, and consultation or conferences with the employer, during the month which is the subject of the report.

In the case of a regular employee, the specific dollar amount shall be computed by multiplying the number of hours compensated for lobbying and services in support of lobbying times the employee's regular rate of pay;

E. The specific dollar amount of expenditures made during the month which is the subject of the report, with regard to any legislative action, for which the lobbyist has been or expects to be reimbursed by the employer for meals, travel, lodging and all other expenditures made for lobbying and services in support of lobbying;

F. The total amount of money expended directly to or on behalf of one or more officials of the Legislative Branch, including members of the official's immediate family, as defined in Title 1, section 1012, subsection 2, and the amount, if any, which the lobbyist has been or expects to be reimbursed;

G. The name of any officials in the Legislative Branch, or their immediate family, on whose behalf an expenditure, or expenditures, totalling \$25 or more was made in one calendar month, and the date, amount and purpose of the expenditure or expenditures;

H. A list of legislative action, Legislative Document, Senate Paper, House Paper and gubernatorial nominations, in connection with which the lobbyist engaged in lobbying or services in support of lobbying, and disclosure of whether the lobbyist's employer favored, opposed or took no position on the action as introduced; and

I. A listing of any legislative action for which the lobbyist was compensated, expects to be compensated or expended \$1,000 or more for lobbying activities related thereto, a statement of the amounts compensated and expended, and the employer's position on the legislative action.

2. Post-session reports. Within 30 days following the adjournment of every legislative session, the lobbyist shall file a cumulative report of his lobbying

activities with respect to all categories contained in subsection 1, except that the report shall cover information for the entire legislative session which is the subject of the report. The lobbyist shall report his employer's position on legislative action regarding which the lobbyist engaged in lobbying as finally disposed of by the Legislature.

In the case of one or more legislative sessions which last one calendar month or less and no lobbying or services in support of lobbying were performed, the lobbyist shall be required to file only the post-session report and shall not be required to file a monthly report covering the same period. If a lobbyist who represents multiple employers performed no lobbying during any legislative session, or legislative sessions lasting one calendar month or less, the lobbyist may file consolidated post-session reports listing the names and addresses of all employers for whom no lobbying activities were performed.

3. Annual report. By no later than 30 days following the end of the year in which any person lobbied pursuant to section 313, the lobbyist and his employer shall file a joint report which shall contain the information required in subsection 1, except that the report shall summarize all lobbying activities for the calendar year and only those legislative actions not previously reported as required by subsection 1, paragraphs H and I need be reported.

The reports required by subsections 1 and 2 shall be signed by the lobbyist. The reports required by subsection 3 shall be signed by both the lobbyist and employer. All persons signing the reports shall acknowledge the truth and completeness of the statements and information contained therein before a notary public or justice of the peace.

If the date any report required by this section is due falls on a day other than a regular business day, the report shall be due on the first regular business day.

Sec. 5. 3 MRSA § 319, sub-§ 3 is enacted to read:

3. Failure to file registration or report. Any person who fails to file a registration or report as required by this chapter shall be assessed a fine equal to 50% of the compensation received during the period which is the subject of the report, or \$100, whichever is greater.

STATEMENT OF FACT

The purposes of this bill are as follows:

To change the definition of "lobbyist" to include consultation and conference time with employer, and also to prepare testimony and materials for public hearings. It also makes conversations about legislative matters which are not initiated by the lobbyist, a reportable lobbying activity;

It sets forth that lobbyists and employers of lobbyists must register before any lobbying activities are performed, rather than within 7 days of commencement;

It clarifies that once termination has been filed, the lobbyist has no further reporting requirements except to file an annual report.

The bill streamlines information required;

It eliminates employer's signature on the post-session report;

It stipulates that a lobbyist must report his employer's position on legislative action; and it designates next regular business day as deadline if 15th, 30th or other date falls on weekend or holiday.

The bill also contains a penalty for late filing even if not "intentional."