

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1955

H. P. 1855

House of Representatives, February 19, 1980

Reported by Mrs. Kany from the Committee on State Government. Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk of the House

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Amend the Lobbyist Disclosure Law.

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

Sec. 1. 3 MRSA § 314, as reenacted by PL 1975, c. 724, is repealed and the following enacted in its place: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 joint 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 2.

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

Sec. 2. 3 MRSA § 317, as amended by PL 1977, c. 108, §§ 2 and 3, is repealed and the following enacted in its place:

§ 317. Reports

Reports required by this section shall be on forms prescribed by the Secretary of State. The forms shall provide for a sworn statement that the persons signing the report acknowledge the truth and completeness of all the information contained therein.

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 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 for the preparation of documents and research for the primary purpose of influencing legislative action and for lobbying;

In the case of a regular employee, the specific dollar amount shall be computed by multiplying the number of hours devoted to the preparation of documents and research for the primary purpose of influencing legislative action and to lobbying by the employee's regular rate of pay based on a 40-hour week;

- E. The specific dollar amount of expenditures made during the month which is the subject of the report with regard to the preparation of documents and research for the primary purpose of influencing legislative action and to lobbying for which the lobbyist has been or expects to be reimbursed;
- 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, totaling \$25 or more was made in one calendar month, and the date, amount and purpose of the expenditure or expenditures;
- H. A list of each legislative action, Legislative Document, Senate Paper,

House Paper or nomination in connection with which the lobbyist is engaged in lobbying; and

I. A list specifically identifying each legislative action, Legislative Document, Senate Paper, House Paper or nomination for which the lobbyist was compensated, expects to be compensated or expended in excess of \$1,000 for lobbying activities related thereto and a statement of the amounts compensated or expended for each.

2. 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 with the Secretary of State 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 report in detail only those legislative actions not previously reported, as required by subsection 1, paragraphs H and I.

The reports required by subsection 1 shall be signed by the lobbyist. The reports required by this subsection shall be signed by both the lobbyist and employer.

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 next following the due date.

Sec. 3. 3 MRSA § 319, as amended by PL 1977, c. 696, § 17, is repealed and the following enacted in its place:

§ 319. Penalty

1. 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 of \$50.

Sec. 4. 3 MRSA § 326 is enacted to read:

§ 326. Construction

Nothing in this chapter shall be construed to authorize the giving or receiving of a pecuniary benefit where otherwise prohibited by law.

STATEMENT OF FACT

The purposes of this bill are as follows:

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 the post-session report;

It designates next regular business day as deadline if the 15th, 30th or other date falls on weekend or holiday;

It replaces the present criminal penalties with a civil penalty for late filing even if not "intentional;"

It deletes the requirement for the lobbyist's signature to be notarized; and

It also requires that a lobbyist list in his report nominations for which he lobbied.