

MAINE STATE LEGISLATURE

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(New Draft of S.P. 247, L.D. 768)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1352

S.P. 456

In Senate, March 28, 1983

Reported by Senator Violette of Aroostook from the Committee on State Government and printed under Joint Rule 2.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT to Require Campaign Contributions
to be Reported in the Lobbyist Disclosure Law.

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

Sec. 1. 3 MRSA §312, as reenacted by PL 1975, c. 724, is repealed.

Sec. 2. 3 MRSA §312-A is enacted to read:

§312-A. Definitions

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

1. Campaign fund raising activity. "Campaign fund raising activity" means any event or solicitation by letter or any other means which is held for

1 the purpose of receiving contributions or moneys for
2 a political party, political committee, political ac-
3 tion committee, candidate for political office in any
4 primary or election, any elected official or a refer-
5 endum committee.

6 2. Committee. "Committee" means any committee,
7 subcommittee, joint or select committee of the Legis-
8 lature or any special committee or commission, by
9 whatever name, established by the Legislature to make
10 recommendations for legislative action or to develop
11 legislation.

12 3. Communicate. "Communicate" means the act of
13 expressing, imparting or conveying information or
14 impressions from one person to another, by either
15 oral or written means.

16 4. Compensation. "Compensation" means money,
17 service or anything of value or financial benefit
18 which is received or to be received in return for, or
19 in connection with, services rendered or to be
20 rendered.

21 5. Employer. "Employer" means a person who
22 agrees to reimburse for expenditures or to compensate
23 a person who in return agrees to provide services.
24 Employer includes any political action committee as
25 defined in this section which communicates through or
26 uses the services of a lobbyist to make campaign con-
27 tributions or to influence in any way the political
28 process.

29 6. Employment. "Employment" means an agreement
30 to provide services in exchange for compensation or
31 reimbursement of expenditures.

32 7. Expenditure. "Expenditure" means any
33 advance, conveyance, deposit, distribution, transfer
34 of funds, payment, pledge or subscription of money or
35 anything of value or any contract, promise or agree-
36 ment to transfer funds or anything of value, whether
37 or not legally enforceable. Expenditure includes any
38 campaign contribution that is provided to a Legis-
39 lator between the time a Legislator is sworn into
40 office for the first regular session of the Legis-
41 lature and the end of the second regular session.

1 8. Legislative action. "Legislative action"
2 means the drafting, introduction, consideration,
3 modification, enactment or defeat of any bill, reso-
4 lution, amendment, report, nomination or other matter
5 by the Legislature, by either the House of Repre-
6 sentatives or the Senate, any committee or an offi-
7 cial in the Legislative Branch acting in his official
8 capacity, or action of the Governor in approving or
9 vetoing any legislative document presented to the
10 Governor for his approval.

11 9. Lobbying. "Lobbying" means to communicate
12 directly with any official in the Legislature for the
13 purpose of influencing any legislative action, when
14 reimbursement for expenditures or compensation is
15 made for those activities. Lobbying shall not include
16 communications made in conjunction with the appear-
17 ance by any person before any committee in connection
18 with any matter or measure before that committee and
19 any written statement submitted by any person to any
20 committee in connection with that matter or measure;
21 or any communication made by a person in response to
22 an inquiry or request for information by an official
23 in the Legislative Branch.

24 10. Lobbyist. "Lobbyist" means any person who
25 is specifically employed by another person for the
26 purpose of and who engages in lobbying, or any person
27 who, as a regular employee of another person, expends
28 an amount of time in excess of 8 hours in any calen-
29 dar month in lobbying. "Lobbyist" shall not include
30 an individual who is a partner, associate, member or
31 employee of a partnership, firm, corporation or pro-
32 fessional association which has been employed for
33 lobbying when that individual is acting for the
34 lobbyist in representing the employer.

35 11. Official in the Legislative Branch. "Offi-
36 cial in the Legislative Branch" means a member,
37 member-elect, candidate for or officer of the Legis-
38 lature or an employee of the Legislature.

39 12. Person. "Person" means an individual, busi-
40 ness, corporation, association, professional associa-
41 tion, labor union, firm, partnership, club or other
42 organization, whether profit or nonprofit, or any
43 municipality or quasi-municipality, but does not

1 include this State, any agency of this State, the
2 University of Maine or the Maine Maritime Academy.

3 13. Political Action Committee. "Political Ac-
4 tion Committee" includes:

5 A. Any separate or segregated fund established
6 by any corporation, membership organization,
7 cooperative or labor organization whose purpose
8 is to influence the outcome of an election,
9 including a candidate or question; and

10 B. Any person, as defined in subsection 12 which
11 serves as a funding and transfer mechanism and by
12 which moneys are expended to advance, promote,
13 defeat, influence in any way, or initiate a can-
14 didate, campaign, political party, referendum or
15 initiated petition in this State.

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

19 15. Year. "Year" means calendar year.

20 STATEMENT OF FACT

21 The purpose of this new draft is to include in
22 the lobbyist disclosure law any campaign fund raising
23 activities to which lobbyists contribute moneys.
24 This is the only change that the new draft makes in
25 the original bill. This new draft does not prohibit
26 lobbyist contributions to fund raising activities, it
27 only requires that the contributions be disclosed.

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