

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1591, L.D. 2245, Bill, "An Act to Strengthen the Public Disclosure of Lobbying Activities"

Amend the bill by striking out all of sections 2 and 3 and inserting in their place the following:

Sec. 2. 3 MRSA §312-A, sub-§9, as amended by PL 1987, c. 868, §2, is further amended to read:

9. Lobbying. "Lobbying" means to communicate directly with any official in the Legislature for the purpose of influencing any legislative action; with the Governor for the purpose of influencing the approval or veto of a legislative document; or with any administrative official for the purpose of influencing any administrative action, when reimbursement for expenditures at a rate that exceeds the amount authorized for legislative reimbursement of expenditures or compensation is made for those activities.

Sec. 3. 3 MRSA §312-A, sub-§10, as enacted by PL 1983, c. 160, §1, is amended to read:

10. Lobbyist. "Lobbyist" means any person who is specifically employed by another person for the purpose of and who engages in lobbying, and receives compensation or receives reimbursement of expenditures at a rate that exceeds the amount authorized for legislative reimbursement of expenditures, or any person who, as a regular employee of another person, expends an amount of time in excess of 8 hours in any calendar month in lobbying. "Lobbyist" shall does not include an individual who is a partner, associate, member or employee of a partnership, firm, corporation or professional association which that has been employed for lobbying when that individual is acting for the lobbyist in representing the employer.

2           Sec. 4. 3 MRSA §312-A, sub-§11-A is enacted to read:

4           11-A. Original source. "Original source" means a person  
6 who contributes \$500 or more in any year directly or indirectly  
8 to an employer of a lobbyist under section 317, subsection 1,  
10 paragraph J. "Original source" includes a corporation formed  
under Titles 13 or 13-A, a nonprofit corporation formed under  
Title 13-B, or a limited partnership under Title 31, but not  
their individual members or contributors.'

12           Further amend the bill in section 8 by striking out the  
14 first 2 paragraphs of subsection 1 (page 2, lines 39 to 50 and  
page 3, lines 1 to 11 in L.D.) and inserting in their place the  
following:

16           '1. Monthly reports. During--the--period--in--which--the  
18 Legislature-is-in-session,--every Except as provided in subsection  
20 1-A, every registered lobbyist shall file with the Secretary of  
22 State, no later than 15 calendar days subsequent to the  
24 conclusion of the preceding month, a report concerning the  
26 lobbyist's activities for the previous month regarding each  
28 employer, even if no lobbying has been performed or compensation  
or reimbursement for expenses has been received for that month.  
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 must contain the  
following information:

30           ~~Every--lobbyist--shall--report--his--lobbying--activities--for--each~~  
32 ~~month--that--the--Legislature--is--in--session,--even--if--no--lobbying--has~~  
34 ~~been--performed--or--compensation--or--reimbursement--for--expenses~~  
36 ~~received,---In--the--case--of--a--lobbyist--representing--multiple~~  
38 ~~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+'~~

40           Further amend the bill in section 8 in subsection 1 by  
42 striking out all of paragraphs J and K (page 4, lines 16 to 20 in  
L.D.) and inserting in their place the following:

44           'J. If the lobbyist is required to make a specific list of  
46 items under paragraph I, a list of all original sources, as  
defined in section 312-A, subsection 11-A, of any money  
received from that employer;

48           K. A section in which a lobbyist may indicate through a  
50 check mark that the lobbyist did not participate in any  
lobbying activities, receive compensation or receive  
52 reimbursement for expenses for that month; and

2           L. A section in which a lobbyist may indicate through a  
4           check mark that the lobbyist requests an exemption under  
6           subsection 1-A. This section must clearly state that the  
              lobbyist intends not to perform lobbying activities, receive  
              compensation or receive reimbursement for expenditures until  
              the Legislature convenes in a regular or special session.'

8  
10           Further amend the bill by striking out all of sections 9 to  
12           12 and inserting in their place the following:

12           'Sec. 9. 3 MRSA §317, sub-§1-A is enacted to read:

14           1-A. Exemption from monthly reports. A lobbyist may  
16           indicate an intention not to perform lobbying activities, receive  
18           compensation or receive reimbursement for expenditures until the  
20           Legislature convenes in a regular or special session, by checking  
22           the section of the monthly report form provided for in subsection  
              1, paragraph L. A lobbyist who uses this provision is exempt  
              from filing further monthly reports until the lobbyist resumes  
              lobbying activities, receives compensation or receives  
              reimbursement for expenditures; or the Legislature convenes in  
              regular or special session.

24           Sec. 10. 3 MRSA §317, sub-§2, as amended by PL 1987, c. 868,  
26           §1, is further amended to read:

28           2. Annual report. ~~On or before January 30th~~ Thirty days  
30           following the end of the year in which any person lobbied  
32           pursuant to section 313, the lobbyist and his the lobbyist's  
34           employer shall ~~must~~ file with the Secretary of State a joint  
36           report which shall ~~contain~~ that contains the information required  
              in subsection 1, except that the report shall ~~must~~ 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.

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

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

46           In addition to the amounts identified in subsection 1 as  
48           compensation received or expenditure made for the primary purpose  
50           of lobbying, this annual report shall must also include the total  
              amount of compensation received by the lobbyist or the lobbying  
              firm, or expended by the employer, except compensation received  
              or expended for purposes not related to lobbying.

2           Sec. 11. 3 MRSA §317, sub-§4 is enacted to read:

4           4. Review for completeness. The Secretary of State may  
6           reject reports that are incomplete.

8           Sec. 12. 3 MRSA §319, sub-§1, as repealed and replaced by PL  
10           1979, c. 632, §3, is amended to read:

12           1. Failure to file registration or report. Any person who  
14           fails to file a registration or report as required by this  
16           chapter ~~shall-be~~ is assessed a fine of \$50 for every month the  
18           person fails to register or is delinquent in filing a report.  
20           The Secretary of State may waive the penalty in whole or in part  
22           if the Secretary of State determines that the failure to register  
24           was unintentional.

26           Sec. 13. 3 MRSA §320, as amended by PL 1981, c. 82, §2, is  
28           further amended to read:

30           **§320. Disposition of fees and fines**

32           All fees collected pursuant to this chapter ~~shall-be~~ are  
34           used by the Secretary of State for the administration of this  
36           chapter. The Secretary of State may use these fees to hire  
38           personnel ~~to-serve-at-his-pleasure-and~~ to assist him in  
40           administering this chapter. The personnel serve at the pleasure  
42           of the Secretary of State.

44           The Secretary of State shall, no later than December  
46           November 15th of the year prior to any proposed change, establish  
48           the amount of the registration fee required to be paid pursuant  
50           to section 313 for the subsequent year. ~~Such~~ The fees shall must  
52           be established on a basis that will generate sufficient revenue  
54           to administer the filing and reporting requirements of this  
56           chapter, but ~~such-fees-shall~~ may not, in any case, unreasonably  
58           exceed the amount necessary to administer the filing and  
60           reporting requirements of this chapter. ~~All-fees-collected-under~~  
62           ~~this-chapter-as-in-effect-on-December-31-1975,-are-to-be-used-in~~  
64           ~~all-respects-as-though-they-were-originally-collected-pursuant-to~~  
66           ~~this-chapter.~~ Fees collected in any one year may be used in the  
68           same or any succeeding year to administer this chapter and ~~such~~  
70           ~~funds-shall~~ may not lapse.

72           Fines collected pursuant to section 319 must be deposited in  
74           the General Fund.

76           Sec. 14. 3 MRSA §322, as reenacted by PL 1975, c. 724, is  
78           amended to read:

2 §322. Enforcement

4 The provisions of this chapter may be enforced by the  
6 Attorney General upon the request of the Secretary of State. Any person may file a complaint with the Secretary of State specifying an alleged violation of this chapter. If the complaint is determined to have merit, the Secretary of State shall notify any party named in the complaint to request that that party comply with the provisions of this chapter and may request that the Attorney General take any necessary enforcement action.

14 Sec. 15. 3 MRSA §322-A is enacted to read:

16 §322-A. Appeals process

18 Any person aggrieved by the Secretary of State's decision pursuant to a complaint filed under section 322 may request an administrative hearing before the Secretary of State as provided by the Maine Administrative Procedure Act.

22 Sec. 16. Report. The Secretary of State shall summarize the  
24 amount of fees and fines collected between December 1, 1992 and  
26 November 30, 1993 in a report to the joint standing committee of  
28 the Legislature having jurisdiction over state and local  
government matters no later than January 15, 1994.'

30 Further amend the bill by renumbering the sections to read  
consecutively.

32 Further amend the bill by adding at the end before the  
statement of fact the following:

34 FISCAL NOTE

	1992-93
36 REVENUES	
38	
40 General Fund	\$3,000
42 Other Funds	(3,000)
44	

46 The additional costs associated with enforcement of the laws  
governing lobbyist disclosure procedures can be absorbed by the  
48 Department of the Secretary of State and the Department of the  
Attorney General utilizing existing budgeted resources. The  
50 Department of the Secretary of State will incur some minor  
additional costs to hold administrative hearings and to submit a

report to the Joint Standing Committee on State and Local  
Government. These costs also can be absorbed within the  
Department of the Secretary of State's existing budgeted  
resources.

The collection of fines for failure to file a registration  
or report will increase General Fund revenue by \$3,000, but  
decrease dedicated revenue by the same amount in fiscal year  
1992-93.

The collection of additional fees from joint registrations  
of lobbyists will increase dedicated revenue to the Department of  
the Secretary of State. The amount will depend upon the fee  
charged, which is not known at this time.

### STATEMENT OF FACT

This amendment makes 8 changes to the bill. It:

1. Clarifies that lobbying the Governor refers to the  
Governor's approval or veto of a bill;

2. Removes the membership of an organization, corporation  
or limited partnership from the definition of "original source"  
of contributions to a lobbyist; the organization is the "original  
source." The amendment clarifies the language regarding  
individual issue lobbying contributions exceeding \$1,000;

3. Removes the proposed requirement that lobbyists report  
the number of hours spent lobbying by individual bill;

4. Changes monthly reporting requirements;

5. Gives the Secretary of State authority to waive certain  
penalties in whole or in part;

6. Modifies the definition of "lobbyist";

7. Assigns fines collected to the General Fund; and

8. Establishes an appeals process for lobbyists.

Reported by the Committee on State and Local Government  
Reproduced and distributed under the direction of the Clerk of the  
House  
3/17/92 (Filing No. H-1130)