

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2245

H.P. 1591

House of Representatives, January 28, 1992

Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative JOSEPH of Waterville.

Cosponsored by Representative LARRIVEE of Gorham and Representative LEBOWITZ of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Strengthen the Public Disclosure of Lobbying Activities.



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

Sec. 1. 3 MRSA §312-A, sub-§7-A is enacted to read:

7-A. Immediate family. "Immediate family" means a person's spouse and dependent children.

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 an official in the Legislature or the Governor for the purpose of influencing any a legislative action or with an administrative official for the purpose of influencing an administrative action, when reimbursement for expenditures or compensation is made for those activities.

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

11-A. Original source. "Original source" means a person who contributes \$500 or more in one year directly or indirectly to an employer of a lobbyist, to be used for purposes of lobbying an action under section 317, subsection 1, paragraph I.

Sec. 4. 3 MRSA §312-A, sub-§15, as enacted by PL 1983, c. 160, §1, is amended to read:

15. Year. "Year" means calendar--year a 12-month period starting December 1st and ending the following November 30th.

Sec. 5. 3 MRSA §312-A, sub-§§16 to 18 are enacted to read:

16. Administrative action. "Administrative action" means an action to adopt, amend or repeal a rule promulgated pursuant to the Maine Administrative Procedure Act.

17. Administrative agency. "Administrative agency" means a department, agency, board, commission or other body in the executive branch of government, an independent agency of State Government or a constitutional office.

18. Administrative official. "Administrative official" means an elected or appointed official or an employee of an administrative agency.

Sec. 6. 3 MRSA §313, as amended by PL 1991, c. 465, §1, is further amended to read:

§313. Registration of lobbyists and employers

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 15 business days after the commencement of activities constituting lobbying and a fee, as determined by the Secretary of State, must be paid for such the joint registration and may include an additional amount for each name listed pursuant to section 316, subsection 1.

Sec. 7. 3 MRSA §314, as amended by PL 1981, c. 82, §1, is further amended to read:

Each joint registration filed pursuant to this chapter shall automatically ~~expire~~ expires on the last day of the calendar year during which the person was registered to lobby, unless as otherwise provided. ~~Joint registrations filed in December of an even-numbered year shall automatically expire on the last day of the following calendar year.~~

A joint registration shall ~~expire~~ expires 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~~ November 30th, the notification shall ~~must~~ be given within 30 days of the termination.

If termination is affected prior to ~~December 31st~~ November 30th, 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 ~~must~~ be filed pursuant to section 313 before any lobbying is commenced after the lobbyist's employment has been terminated.

Sec. 8. 3 MRSA §317, sub-§1, as repealed and replaced by PL 1979, c. 632, §2, is amended to read:

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 for that month. When the Legislature is not in session, the lobbyist shall file monthly reports if the lobbyist engaged

2 in lobbying in any of those months even if no compensation or
4 reimbursement for expenses has been received for that month. If
6 the lobbyist did not expect to be engaged in lobbying when the
8 Legislature was not in session, the Secretary of State may waive
10 the requirement for the months between the end of the session and
12 the commencement of lobbying. 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 must contain the following
information:

14 A. The month to which the report pertains;

16 B. The name and address of the lobbyist and employer;

18 C. The names of the individuals who lobbied during the
month;

20 D. The specific dollar amount of compensation received for
22 the preparation of documents and research for the primary
purpose of influencing legislative action and for lobbying;.

24 In the case of a regular employee, the specific dollar
26 amount ~~shall be~~ is computed by multiplying the number of
hours devoted to the preparation of documents and research
28 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;

30 E. The specific dollar amount of expenditures made during
32 the month which that is the subject of the report with
regard to the preparation of documents and research for the
34 primary purpose of influencing legislative action and to
lobbying for which the lobbyist has been or expects to be
36 reimbursed;

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

44 G. The name of any officials ~~in of~~ the ~~Legislative-Branch~~
46 legislative branch, or their immediate family, on whose
behalf an expenditure, or expenditures, totaling \$25 or more
48 was were made in one calendar month, and the date, amount
and purpose of the expenditure or expenditures;

2 H. A list of each legislative action, by Legislative
Document, or if none, then by Senate Paper, or House Paper
4 number or if none, then by subject matter; each
6 administrative action by rule number; or each nomination in
connection with which the lobbyist is engaged in lobbying;
and

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

16 J. For each employer, a list of all original sources of any
18 money listed pursuant to paragraph I; and

20 K. The number of hours engaged in lobbying activities under
paragraph I.

22 **Sec. 9. 3 MRSA §317, sub-§§4 and 5** are enacted to read:

24 **4. Review for completeness.** The Secretary of State may
26 reject reports that are incomplete.

28 **5. Monthly nonsession reports.** When the Legislature is not
in a regular session, every registered lobbyist must file:

30 A. A statement with the lobbyist's last monthly report for
32 the regular session that the lobbyist will not engage in
lobbying activities outside a legislative session; or

34 B. A monthly report as required in subsection 1.

36 **Sec. 10. 3 MRSA §319, sub-§1,** as repealed and replaced by PL
38 1979, c. 632, §3, is amended to read:

40 **1. Failure to file registration or report.** Any person who
fails to file a registration or report as required by this
chapter ~~shall be~~ is assessed a fine of \$50 for every month the
42 person fails to register or is delinquent in filing a report.
The fine for the first month may be waived if the Secretary of
44 State determines that the failure to register was unintentional.

46 **Sec. 11. 3 MRSA §320,** as amended by PL 1981, c. 82, §2, is
48 further amended to read:

2 1. It amends the definition of lobbying to include all
4 aspects of legislative and administrative action. The definition
6 of "year" is changed from the calendar year to the 12-month
8 period following December 1st. Definitions are added for
"immediate family," "original source," "administrative action,"
"administrative agency," "administrative official" and
"referendum action."

10 2. It clarifies the provisions for reports by lobbyists and
12 adds a provision allowing lobbyists to file a statement that they
14 will not engage in lobbying activities outside the regular
legislative session, thereby avoiding the filing of reports
during that time.

16 3. It requires a lobbyist who receives more than \$1,000 for
18 a lobbying activity to report the number of hours spent on the
20 lobbying activity. It also requires the reporting of any
contribution of \$500 or more to an employer of a lobbyist for
lobbying activity.

22 4. It allows the Secretary of State to charge an extra fee
24 for those individuals listed on the registration form who will be
assisting a lobbyist with lobbying activities.

26 5. It clarifies the penalty provision for failure to file a
28 registration or report regarding lobbying activities and
30 establishes a provision for individuals to file a complaint
concerning the alleged violation of any of the laws governing
lobbyist disclosure.

32 6. The bill has an effective date of December 1, 1992 for
34 those provisions requiring a monthly report during the time that
the Legislature is not in session. This delayed effective date
coincides with the start of the new reporting year.