

MAINE STATE LEGISLATURE

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27
R. of S.

L.D. 1390

(Filing No. S-371)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1038, L.D. 1390, Bill, "An Act to Strengthen the Public Disclosure of Lobbying Activities"

Amend the amendment by inserting after the title the following:

'Amend the bill by inserting after the title the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend the bill by inserting after the enacting clause the following:

'PART A'

Further amend the amendment in the first line after the title (page 1, line 16 in amendment) by striking out the following: "Amend" and inserting in its place the following: 'Further amend'

SENATE AMENDMENT

Further amend the amendment by striking out all of sections
20 and 21 and inserting in their place the following:

PART B

Sec. B-1. 3 MRSA §312-A, sub-§2-A is enacted to read:

2-A. Commission. "Commission" means the Commission on
Governmental Ethics and Election Practices as defined in Title 1,
chapter 25.

**Sec. B-2. 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, 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 not include~~
includes "associate lobbyist." "Associate lobbyist" means 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.

**Sec. B-3. 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 or an associate lobbyist and
the person who employs that lobbyist shall jointly register at
the office of the Secretary-of-State commission no later than 15
business days after the commencement of activities constituting
lobbying and a fee, as determined by the Secretary-of-State
commission, must be paid for such joint registration. The fee
must be at least \$200 for each lobbyist and \$100 for each
associate lobbyist, and also must be at least as high as is
required by section 320.

**Sec. B-4. 3 MRSA §314, 2nd ¶, as enacted by PL 1979, c. 632,
§1, is amended to read:**

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

**Sec. B-5. 3 MRSA §315, first ¶, as reenacted by PL 1975, c.
724, is amended to read:**

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1038,
L.D. 1390

2 The Secretary-of-State commission shall prepare and maintain
4 a docket for the registration of lobbyists and employers of
6 lobbyists required to register pursuant to this chapter. The
8 registration docket and all supplementary files of information
10 and materials filed pursuant to this chapter shall must be open
12 to public inspection during the office hours of the Secretary-of
14 State commission. Such The docket shall must contain the name of
16 the lobbyist and the person employing the lobbyist; the business
address of each; the nature of the business of the person
employing the lobbyist; and a statement as to the compensation
which that the lobbyist will receive for his lobbying services
or, if an exact amount is unascertainable, the basis upon which
the lobbyist will charge for his services. This docket shall
must be updated on a weekly basis and shall--be arranged and
indexed as follows:

18 **Sec. B-6. 3 MRSA §316, first ¶,** as reenacted by PL 1975, c.
20 724, is amended to read:

22 The Secretary-of-State commission shall prepare and make
24 available registration forms for the registration of lobbyists
and employers required to register pursuant to section 313. These
forms shall-require must include the following information:

26 **Sec. B-7. 3 MRSA §317, first ¶,** as enacted by PL 1979, c. 632,
28 §2, is amended to read:

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

36 **Sec. B-8. 3 MRSA §317, sub-§1,** as repealed and replaced by PL
38 1979, c. 632, §2, is amended by amending the first paragraph to
read:

40 **1. Monthly session reports.** During the period in which the
42 Legislature is in session, every registered lobbyist shall file
44 with the Secretary-of-State commission, 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.

46 **Sec. B-9. 3 MRSA §317, sub-§2,** as amended by PL 1987, c. 868,
48 §1, is further amended by amending the first paragraph to read:

2 **2. Annual report.** On or before January 30th following the
end of the year in which any person lobbied pursuant to section
313, the lobbyist and his the lobbyist's employer shall file with
4 the Secretary-of-State commission a joint report which shall that
must contain the information required in subsection 1, except
6 that the report shall must summarize all lobbying activities for
the calendar year and report in detail only those legislative
8 actions not previously reported, as required by subsection 1,
paragraphs H and I.

10 **Sec. B-10. 3 MRSA §317, sub-§3,** as enacted by PL 1989, c. 732,
12 §1, is amended to read:

14 **3. Facsimile copies.** The Secretary--of--State commission
may, by rules adopted pursuant to the Maine Administrative
16 Procedure Act, Title 5, chapter 375, establish procedures and
fees by which facsimile copies of duly executed reports required
18 by this section may be received and filed with the office-of-the
Secretary-of-State commission.

20 **Sec. B-11. 3 MRSA §319, sub-§1,** as repealed and replaced by PL
22 1979, c. 632, §3, is amended to read:

24 **1. Failure to file registration or report.** Any person who
fails to file a registration or report as required by this
26 chapter shall-be is assessed a fine of \$50 \$75.

28 **Sec. B-12. 3 MRSA §319, sub-§1-A,** as enacted by PL 1991, c.
465, §2, is amended to read:

30 **1-A. Notice of suspension.** Any person who fails to file a
32 report or pay a fee as required by this chapter may be suspended
from further lobbying by written notice of the Secretary-of-State
34 commission until such failure is corrected.

36 **Sec. B-13. 3 MRSA §319, sub-§3,** as enacted by PL 1989, c. 114,
is amended to read:

38 **3. Exemption.** Notwithstanding section 317, subsection 1, a
40 registered lobbyist is exempt from the penalty imposed under this
section if, while the Legislature is convened in special session,
42 the lobbyist failed to file a report with the Secretary-of-State
commission pursuant to section 317 ~~provided that~~ if no lobbying
44 has been performed during that special session.

46 **Sec. B-14. 3 MRSA §320,** as amended by PL 1993, c. 410, Pt. M,
§1, is further amended to read:

48 **§320. Disposition of fees**
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2 All fees collected pursuant to this chapter must be
deposited as General Fund undedicated revenue.

4 The Secretary--of--State commission shall, no later than
6 December 15th of the year prior to any proposed change, establish
the amount of the registration fee required to be paid pursuant
8 to section 313 for the subsequent year.

10 **Sec. B-15. 3 MRSA §321**, as amended by PL 1989, c. 732, §2, is
further amended to read:

12 **§321. Powers and duties of the Secretary of State**

14 In order to carry out the purposes of this chapter, the
16 Secretary--of--State commission shall have the following powers and
duties.

18 1. **Furnishing of forms.** The Secretary--of--State commission
20 shall furnish forms to persons required to register or file
reports.

22 2. **Availability of copying facilities.** The Secretary--of
24 State commission shall make copying facilities available to the
public during regular office hours and, notwithstanding any other
26 provisions of law fixing the cost of such services, shall charge
the actual cost of such services.

28 3. **Filing of voluntary information.** The Secretary--of--State
30 commission may accept and file any information voluntarily
supplied which that exceeds the requirements of this chapter.

32 4. **Preservation of registrations and reports.** The Secretary
34 of--State commission shall preserve all registrations and reports
filed pursuant to this chapter for 4 years from date of receipt
36 and thereafter may dispose of same.

38 5. **Acceptance or rejection of forms.** The Secretary--of
40 State commission may prescribe forms for all documents required
or permitted to be filed with the office of the Secretary of
State and may refuse to accept documents not filed on those forms.

42 6. **Refusal of filing.** The Secretary--of--State commission
44 may refuse to accept any document that is not legible or that may
can not be clearly reproduced photographically.

46 **Sec. B-16. 3 MRSA §322**, as reenacted to PL 1975, c. 724, is
48 amended to read:

50 **§322. Enforcement**

of 5

2 The provisions of this chapter may be enforced by the
Attorney General upon the request of the Secretary--of--State
4 commission.

6 **Sec. B-17. Transition provisions.**

8 1. The Commission on Governmental and Election Practices,
referred to in this section as the the "commission," is the
10 successor in every way to the powers, duties and functions of the
lobbyist registration function previously administered by the
Secretary of State, referred to in this section as the "function."

12 2. Notwithstanding the provisions of the Maine Revised
14 Statutes, Title 5, all accrued expenditures, assets, liabilities,
balances or appropriations, allocations, transfers, revenues or
16 other available funds in an account or subdivision of an account
of the Secretary of State relating to the function must be
18 transferred to the proper accounts by the State Controller upon
the request of the State Budget Officer and with the approval of
20 the Governor.

22 3. All existing rules and procedures in effect, in
operation or adopted by the Secretary of State with respect to
24 the function are hereby declared in effect and continue in effect
until rescinded, revised or amended by the commission.

26 4. All existing contracts, agreements and compacts
28 currently in effect with respect to the function in the
Department of the Secretary of State continue in effect.

30 5. All records, property and equipment previously belonging
32 to or allocated for the use of the Secretary of State with
respect to the function become, on the effective date of this
34 Part, part of the property of the commission.

36 **Sec. B-18. Appropriation.** The following funds are
appropriated from the General Fund to carry out the purposes of
38 this Act.

	1993-94	1994-95
42 COMMISSION ON GOVERNMENTAL		
44 ETHICS AND ELECTION PRACTICES		
46 Commission on Governmental		
Ethics and Election Practices		
48 Positions - Legislative Count	(1.0)	(1.0)
Personal Services	\$39,250	\$38,357

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All Other 9,725 9,966

Provides funds for a lobbyist registrar position and related general operating expenses.

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
TOTAL

\$48,975 \$48,323

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Further amend the amendment by striking out the fiscal note and inserting in its place the following:

FISCAL NOTE

1993-94 1994-95

APPROPRIATIONS/ALLOCATIONS

General Fund \$48,975 \$48,323

REVENUES

General Fund \$49,075 \$49,950

This bill transfers the lobbyist registration functions to the Commission on Governmental Ethics and Election Practices. The Commission on Governmental Ethics and Election Practices will require additional General Fund appropriations of \$48,975 and \$48,323 in fiscal years 1993-94 and 1994-95, respectively, for a Lobbyist Registrar position and general operating expenses to publish the lobbyist disclosure reports.

Increasing the principal lobbyist fee by \$100, establishing an Associate Lobbyist fee of \$100 and increasing penalties for filing certain lobbyist reports will increase General Fund revenues by \$49,075 in fiscal year 1993-94 and \$49,950 in fiscal year 1994-95.

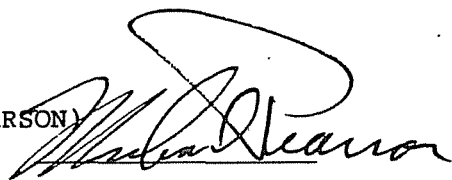
The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenues by a minor amount.

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STATEMENT OF FACT

This amendment adds a new part to the bill transferring the lobbyist registration functions and associated personnel to the Commission on Governmental Ethics and Election Practices and raises lobbying registration and late reporting fees to cover the cost of that function.

The amendment also adds a new fiscal note to the committee amendment.

(Senator PEARSON)
SPONSORED BY: 

COUNTY: Penobscot

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