

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
116TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "C" 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'

R. of S

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Further amend the amendment on page 3 by striking out all of  
lines 2 and 3 and inserting in their place the following:

'Further amend the bill by striking out section 20 and  
inserting in its place the following:'

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

'Sec. 20. Effective date. Sections 1 and 10 to 14 of this Part  
take effect on December 1, 1993.

## 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.

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

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

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

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

28          **Sec. B-6. 3 MRSA §316, first ¶**, as reenacted by PL 1975, c.  
30          724, is amended to read:

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

36          **Sec. B-7. 3 MRSA §317, first ¶**, as enacted by PL 1979, c. 632,  
38          §2, is amended to read:

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

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

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1. **Monthly session reports.** During the period in which the Legislature is in session, every registered lobbyist shall file 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.

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

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 the Secretary-of-State commission a joint report ~~which shall~~ that must contain 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.

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

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

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

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 \$75.

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

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

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

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

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

**§320. Disposition of fees**

All fees collected pursuant to this chapter must be deposited as General Fund undedicated revenue.

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

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

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

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

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

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

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

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

5. Acceptance or rejection of forms. The Secretary--of 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.

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

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

**§322. Enforcement**

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

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

1. The Commission on Governmental and Election Practices, referred to in this section as the "commission," is the 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."

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

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

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

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

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

	1993-94	1994-95
<b>COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES</b>		
<b>Commission on Governmental Ethics and Election Practices</b>		
Positions - Legislative Count	(1.0)	(1.0)
Personal Services	\$39,250	\$38,357
All Other	9,725	9,966
Provides funds for a lobbyist registrar position and related general operating expenses.		
<b>COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES</b>		
<b>TOTAL</b>	<u>\$48,975</u>	<u>\$48,323</u>

**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
<b>APPROPRIATIONS/ALLOCATIONS</b>		
General Fund	\$48,975	\$48,323
<b>REVENUES</b>		
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.



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2 Increasing the principal lobbyist fee by \$100, establishing  
4 an Associate Lobbyist fee of \$100 and increasing penalties for  
6 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.

8 The additional workload and administrative costs associated  
10 with the minimal number of new cases filed in the court system  
12 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.

14

### STATEMENT OF FACT

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18 This amendment incorporates Senate Amendment "B" to  
Committee Amendment "A" and makes a technical correction.

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(Senator PEARSON)  
SPONSORED BY:

*Michael Pearson*  
*QPS*

26

COUNTY: Penobscot

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(7/1/93)  
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