

MAINE STATE LEGISLATURE

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L.D. 1867

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STATE & LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1380, L.D. 1867, Bill, "An Act to Correct Certain Inconsistencies in the Laws Relating to the Commission on Governmental Ethics and Election Practices"

Amend the bill by inserting after section 3 the following:

'Sec. 4. 3 MRSA §312-A, sub-§7, ¶A, as enacted by PL 1993, c. 446, Pt. A, §4, is repealed.'

Further amend the bill in section 4 by striking out all of subsection 10 (page 1, lines 34 to 39 in L.D.) and inserting in its place the following:

'10. Lobbyist. "Lobbyist" means any person who is specifically employed by another person for the purpose of and who engages in lobbying in excess of 8 hours in any calendar month, or any individual 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" does not include a lobbyist associate.'

Further amend the bill by striking out all of section 5 and inserting in its place the following:

'Sec. 5. 3 MRSA §312-A, sub-§10-A, as enacted by PL 1993, c. 446, Pt. A, §7, is repealed and the following enacted in its place:

10-A. Lobbyist associate. "Lobbyist associate" means an individual who:

A. Is a partner, associate or employee of a lobbyist or is a coemployee of a regular employee of another person if that regular employee is registered as a lobbyist;

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2 B. Lobbies on behalf of the employer named on the lobbyist
registration; and

4 C. Expends more than 8 hours in any calendar month lobbying
on behalf of an employer of the lobbyist.

6
8 **Sec. 6. 3 MRSA §312-A, sub-§11-A**, as enacted by PL 1993, c.
446, Pt. A, §10 and affected by §20, is repealed and the
following enacted in its place:

10 **11-A. Original source.** "Original source" means any person
12 who contributes \$500 or more in any year directly or indirectly
to any employer of a lobbyist, except that contributions of
14 membership dues to nonprofit corporations formed under Title
16 13-B, any equivalent state law or by legislative enactment are
not considered contributions by an original source.

18 **Sec. 7. 3 MRSA §312-A, sub-§12**, as amended by PL 1993, c. 446,
Pt. A, §8, is further amended to read:

20 **12. Person.** "Person" means an individual, corporation,
22 proprietorship, joint stock company, business trust, syndicate,
association, professional association, labor union, firm,
24 partnership, club or other organization, whether profit or
nonprofit, or any municipality or quasi-municipality or group of
26 persons acting in concert, ~~the University of Maine, the Maine~~
~~Maritime Academy, the Maine Technical College System and~~
28 ~~compensated members or employees of boards and commissions listed~~
~~in Title 5, chapter 379~~, but does not include this State or any
30 other agency of this State.

32 **Sec. 8. 3 MRSA §312-A, sub-§17** is enacted to read:

34 **17. State employee or state agency employee.** "State
employee or state agency employee" means employees of the
36 executive branch, the judicial branch, the Department of the
Attorney General, the Department of Secretary of State, the
38 Department of the Treasurer and any employee who directly or
indirectly represents an entity listed in Title 5, chapter 379.

40
42 **Sec. 9. 3 MRSA §313**, as amended by PL 1993, c. 446, Pt. B,
§3, is repealed and the following enacted in its place:

44 **§313. Registration of lobbyist and employers**

46 Every employer of a lobbyist and every lobbyist and lobbyist
associate who lobbies on behalf of that employer shall register
48 jointly at the office of the commission no later than 15 business
days after commencement of lobbying and pay a registration fee

determined by the commission. The fee must be at least \$200 for the registration of each lobbyist and at least \$100 for the registration of each lobbyist associate.

Sec. 10. 3 MRSA §313-A is enacted to read:

§313-A. Registration of state employees or state agency employees

A state employee or state agency employee whose job description requires any lobbying activity during the legislative session shall, within 5 days of the convening of a regular legislative session, register at the office of the commission as described in section 316-A. An employee registering under this section is exempt from all other requirements of this chapter.'

Further amend the bill by inserting after section 10 the following:

'Sec. 11. 3 MRSA §316-A is enacted to read:

§316-A. Registration forms for state employees or state agency employees

The commission shall prepare and make available registration forms for the registration of state employees or state agency employees required to register pursuant to section 313-A. These forms must include the following information:

1. Names. The name of the employee and the department or agency the employee is representing; and

2. Position description. A position description.

These forms must be signed by the employee and the signature serves as a certificate that the information on that form is true, correct and complete.'

Further amend the bill by inserting after section 11 the following:

'Sec. 12. 3 MRSA §317, sub-§1, ¶G, as amended by PL 1993, c. 446, Pt. A, §14 and affected by §20, is repealed and the following enacted in its place:

G. The name of an official in the legislative branch or a member of that official's immediate family on whose behalf an expenditure or expenditures totaling \$25 or more were made in any one calendar month and the date, amount and purpose of the expenditure or expenditures.'

2 Further amend the bill in section 14 in subsection 1 in the
3rd line (page 4, line 29 in L.D.) by inserting after the
4 following: "\$100" the following: 'for each person listed or who
5 should have been listed on the lobbyist registration'

6
7 Further amend the bill by inserting after section 18 the
8 following:

10 'Sec. 19. Application. Except as provided in this section,
11 this Act applies retroactively to December 1, 1993. Any lobbyist
12 registration fees collected before the effective date of this Act
13 may not be returned. Provisions of this Act that enact the Maine
14 Revised Statutes, Title 3, sections 312-A, 313-A and 316-A
15 governing the registration of state employees and state agency
16 employees apply prospectively from the effective date of this
17 Act.'

18
19 Further amend the bill by renumbering the sections to read
20 consecutively.

22 Further amend the bill by inserting at the end before the
23 statement of fact the following:

24
25 **FISCAL NOTE**

26
27 **1994-95**

28
29 **REVENUES**

30 General Fund (\$4,500)

32 Revising the definition of lobbyist and lobbyist associate
33 will reduce General Fund revenue by \$4,500 in fiscal year 1994-95.

36 The Commission on Governmental Ethics and Election Practices
37 will incur some minor additional costs to register state agency
38 employees who perform lobbying activities. These costs can be
39 absorbed within the commission's existing budgeted resources.'

42
43 **STATEMENT OF FACT**

44 This is the majority amendment.

46
47 The amendment retains the provisions of the original bill
48 and makes several additional changes to the lobbyist registration
49 laws for clarification purposes. The amendment specifies which
50 state employees are required to register their lobbying

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2 activities and prescribes the filing process. The amendment
3 corrects a flaw in the current law by establishing consistent
4 definitions of lobbyist and lobbyist associate and providing for
5 equal treatment of such individuals under the registration and
6 reporting requirements, whether they are outside hired lobbyists
7 or in-house lobbyist employees. The amendment clarifies the
8 penalty provisions and adds an application section and a fiscal
note to the bill.

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