

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

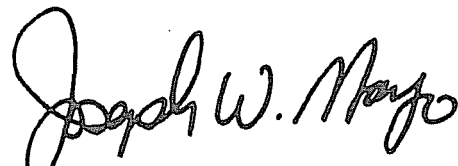
No. 1867

H.P. 1380

House of Representatives, February 14, 1994

**An Act to Correct Certain Inconsistencies in the Laws Relating to the
Commission on Governmental Ethics and Election Practices.**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on State and Local Government suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative FARNSWORTH of Hallowell.
Cosponsored by Senator BUSTIN of Kennebec and
Representatives: DAGGETT of Augusta, KILKELLY of Wiscasset.

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

2
3 **Sec. 1. 1 MRSA §1008, sub-§2**, as amended by PL 1989, c. 561,
4 §2, is further amended to read:

6 **2. Election practices.** To administer and investigate any
7 violations of the requirements for campaign reports and campaign
8 financing and to investigate and make findings of fact and
9 opinion on the final determination of the results, within the
10 limits of the Constitution of Maine and the Constitution of the
11 United States, of any contested count, state or federal election
12 within this State; and

14 **Sec. 2. 1 MRSA §1008, sub-§3**, as enacted by PL 1989, c. 561,
15 §3, is amended to read:

16 **3. Ethics seminar.** To conduct, in conjunction with the
17 Attorney General and the Chair of the Legislative Council or
18 their designees, an ethics seminar for Legislators after the
19 general election and before the convening of the Legislature, in
20 every even-numbered year. The Attorney General shall provide
21 each Legislator with a bound compilation of the laws of this
22 State pertaining to legislative ethics and conduct; and

24 **Sec. 3. 1 MRSA §1008, sub-§4** is enacted to read:

26 **4. Lobbyist activities.** To administer the lobbyist
27 disclosure laws, Title 3, chapter 15.

30 **Sec. 4. 3 MRSA §312-A, sub-§10**, as amended by PL 1993, c. 446,
31 Pt. A, §6 and Pt. B, §2, is repealed and the following enacted in
32 its place:

34 **10. Lobbyist.** "Lobbyist" means any person who is
35 specifically employed by another person for the purpose of and
36 who engages in lobbying, or any person who, as a regular employee
37 of another person, expends an amount of time in excess of 8 hours
38 in any calendar month in lobbying. "Lobbyist" does not include a
39 lobbyist associate.

40 **Sec. 5. 3 MRSA §313**, as amended by PL 1993, c. 446, Pt. B,
41 §3, is further amended to read:

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

46 Any person acting as a lobbyist or an-asseeiate a lobbyist
47 associate and the person who employs that lobbyist shall jointly
48 register at the office of the commission no later than 15
49 business days after the commencement of activities constituting
50 lobbying and a fee, as determined by the commission, must be paid

2 for such joint registration. The fee must be at least \$200 for
each lobbyist and \$100 for each asseeiate lobbyist associate, and
also must be at least as high as is required by section 320.

4
6 **Sec. 6. 3 MRSA §314, 2nd ¶**, as amended by PL 1993, c. 446, Pt.
A, §11, affected by §20 and amended by Pt. B, §4, is repealed and
the following enacted in its place:

8
10 A joint registration expires if the employer notifies the
commission in writing that the lobbyist is no longer engaged by
the employer to lobby. If termination occurs prior to November
30th, the notification must be given within 30 days of the
termination.

14
16 **Sec. 7. 3 MRSA §314, 3rd ¶**, as amended by PL 1993, c. 446, Pt.
A, §11 and affected by §20 and corrected by RR 1993, c. 1, §1, is
repealed and the following enacted in its place:

18
20 If termination is effected prior to 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. The filing of an annual report,
signed by the lobbyist and employer, before November 30th is
considered a notification of termination.

26
28 **Sec. 8. 3 MRSA §315, first ¶**, as amended by PL 1993, c. 446,
Pt. A, §12, affected by §20 and amended by Pt. B, §5, is repealed
and the following enacted in its place:

30 The commission shall prepare and maintain a docket for the
registration of lobbyists and employers of lobbyists required to
register pursuant to this chapter. The registration docket and
all supplementary files of information and materials filed
pursuant to this chapter must be open to public inspection during
the office hours of the commission. The docket must contain the
name of 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 that the lobbyist will receive for lobbying services
or, if an exact amount is unascertainable, the basis upon which
the lobbyist will charge for services. This docket must be
updated on a weekly basis and arranged and indexed as follows:

44
46 **Sec. 9. 3 MRSA §315, last ¶**, as amended by PL 1993, c. 446, Pt.
A, §12 and affected by §20, is further amended to read:

48 The docket must be reestablished annually by the Secretary
of the ~~of~~ State commission and the docket for any year must be
maintained and be available for public inspection in the office
of the ~~of~~ Secretary of the State commission for 4 years from the
expiration of the docket.

2 **Sec. 10. 3 MRSA §316, first ¶**, as amended by PL 1993, c. 446,
4 Pt. A, §13, affected by §20 and amended by Pt. B, §6, is repealed
and the following enacted in its place:

6 The commission shall prepare and make available registration
8 forms for the registration of lobbyists and employers required to
10 register pursuant to section 313. These forms must include the
12 following information:

14 **Sec. 11. 3 MRSA §317, first ¶**, as amended by PL 1993, c. 446,
16 Pt. A, §14, affected by §20 and amended by Pt. B, §7, is repealed
and the following enacted in its place:

18 Reports required by this section must be on forms prescribed
20 or approved by the commission. The forms must provide for a sworn
22 statement that the persons signing the report acknowledge the
24 truth and completeness of all the information contained therein.

26 **Sec. 12. 3 MRSA §317, sub-§2**, as amended by PL 1993, c. 446,
28 Pt. A, §14, affected by §20 and amended by Pt. B, §9, is repealed
and the following enacted in its place:

30 2. Annual report. Thirty days following the end of the
32 year in which any person lobbied pursuant to section 313, the
34 lobbyist and the lobbyist's employer shall file with the
36 commission a joint report that must contain the information
38 required in subsection 1, except that the report must summarize
40 all lobbying activities for the year and report in detail only
42 those legislative actions not previously reported, as required by
44 subsection 1, paragraphs H and I.

46 The report must include a separate listing of legislative actions
48 for the calendar reported on pursuant to paragraphs H and I. The
50 reports required by subsection 1 must be signed by the person
designated by the lobbyist in section 316, subsection 1. The
reports required by this subsection must be signed by both the
designated person and the employer.

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

In addition to the amounts identified in subsection 1 as
compensation received or expenditure made for the primary purpose
of lobbying, this annual report must 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. 13. 3 MRSA §317, sub-§4**, as enacted by PL 1993, c. 446,
Pt. A, §14 and affected by §20, is amended to read:

4 **4. Monthly nonsession reports.** When the Legislature is not
6 in regular session, every registered lobbyist must either file:

8 A. With the lobbyist's last monthly report for that regular
10 session a statement that the lobbyist will not engage in
12 lobbying activities when the Legislature is not in session.
The lobbyist is required to file a monthly report for
lobbying activity conducted during a special session; or

14 B. If the lobbyist is engaged in lobbying in any of those
16 months, a monthly report in the manner prescribed in
subsection 1 even if compensation or reimbursement for
expenses has not been received for the month.

18 If the lobbyist did not expect to be engaged in lobbying when the
20 Legislature was not in session, the ~~Secretary-of-State~~ commission
may waive the requirement for the months between the end of the
22 session and the renewal of lobbying.

24 **Sec. 14. 3 MRSA §319, sub-§1**, as amended by PL 1993, c. 446,
Pt. A, §15 and Pt. B, §11, is repealed and the following enacted
26 in its place:

28 1. Failure to file registration or report. Any person who
fails to file a registration or report as required by this
chapter may be assessed a fine of \$100 for every month the person
fails to register or is delinquent in filing a report pursuant to
section 317. The commission may waive the penalty in whole or in
part if the commission determines the failure to register or
report was due to mitigating circumstances.

34 **Sec. 15. 3 MRSA §320**, as amended by PL 1993, c. 410, Pt. M,
36 §1 and c. 446, Pt. A, §16 and Pt. B, §14, is repealed and the
following enacted in its place:

38 §320. Disposition of fees

40 All fees collected pursuant to this chapter must go to the
42 General Fund.

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

48 **Sec. 16. 3 MRSA §321, sub-§5**, as amended by PL 1993, c. 446,
50 Pt. B, §15, is further amended to read:

2 The bill also amends the law setting out the duties of the
4 commission by adding the duty to administer the lobbyist
 disclosure laws.

6

8

10 This document has not yet been reviewed to determine the
12 need for cross-reference, stylistic and other technical
 amendments to conform existing law to current drafting standards.