

MAINE STATE LEGISLATURE

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LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 249, L.D. 285, Bill, "An Act to Reform Lobbyist Disclosure Requirements"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Establish the Commission to Clarify the Laws Governing Lobbyist Disclosure Requirements'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

Whereas, current state laws governing lobbyist disclosure requirements are in need of clarification; and

Whereas, differing interpretations of what constitutes lobbying before the Legislature frequently results in significant discrepancies in what individual lobbyists report as time spent lobbying; and

Whereas, any change to the definition of "lobbying" must be considered carefully so that it does not result in further confusion among lobbyists concerning the proper way to report time spent lobbying; and

COMMITTEE AMENDMENT

2 **Whereas**, in the judgment of the Legislature, these facts
4 create an emergency within the meaning of the Constitution of
6 Maine and require the following legislation as immediately
8 necessary for the preservation of the public peace, health and
10 safety; now, therefore, be it

12 **Sec. 1. Commission established. Resolved:** That the Commission
14 to Clarify the Laws Governing Lobbyist Disclosure Requirements,
16 referred to in this resolve as the "commission," is established;
18 and be it further

20 **Sec. 2. Membership. Resolved:** That the commission consists
22 of 8 members appointed as follows:

24 1. Two members of the Senate, at least one of whom is a
26 member of the Joint Standing Committee on Legal and Veterans
28 Affairs, appointed by the President of the Senate;

30 2. Three members of the House, at least one of whom is a
32 member of the Joint Standing Committee on Legal and Veterans
34 Affairs, appointed by the Speaker of the House;

36 3. One member who is a lobbyist representing nonprofit
38 entities, appointed by the President of the Senate;

40 4. One member who is a lobbyist representing an association
42 of contract lobbyists, appointed by the Speaker of the House; and

44 5. One member who is a lobbyist representing volunteer
46 organizations, appointed by the President of the Senate.

48 The 3 nonlegislative members are nonvoting members of the
commission; and be it further

Sec. 3. Chairs. Resolved: That the first named Senate member
who is a member of the Joint Standing Committee on Legal and
Veterans Affairs is the Senate chair and the first named House
member who is a member of the Joint Standing Committee on Legal
and Veterans Affairs is the House chair; and be it further

Sec. 4. Appointments. Resolved: That all appointments must be
made no later than 30 days following the effective date of this
resolve. The appointing authorities shall notify the Executive
Director of the Legislative Council upon their making their
appointments. When the appointment of all members is complete,
the chairs of the commission shall call and convene the first
meeting of the commission no later than September 1, 2001; and be
it further

2 **Sec. 5. Duties. Resolved:** That the commission shall study
3 issues related to clarifying the laws governing lobbyist
4 disclosure requirements. In examining these issues, the
5 commission shall:

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7 1. Consider the implications of the proposed changes to the
8 lobbyist disclosure law contained in the original L.D. 285
9 introduced in the First Regular Session of the 120th Legislature;

10 2. Compare the lobbyist reporting requirements of this
11 State and the Federal Government;

12 3. Consider the tax implications for both lobbyist and
13 lobbyist employers that may result from any changes in the laws
14 governing reporting by lobbyists;

15 4. Consult with staff and members of the Commission on
16 Governmental Ethics and Election Practices on the commission's
17 findings and recommendations;

18 5. Make recommendations on what activities constitute
19 lobbying;

20 6. Recommend ways to make state and federal reporting
21 requirements more consistent; and

22 7. Consider the current threshold for the lobbyist
23 reporting requirement; and be it further

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25 **Sec. 6. Staff assistance. Resolved:** That, upon approval of the
26 Legislative Council, the Office of Policy and Legal Analysis
27 shall provide necessary staffing services to the commission; and
28 be it further

29 **Sec. 7. Reimbursement. Resolved:** That commission members who
30 are Legislators are entitled to receive the legislative per diem
31 pursuant to the Maine Revised Statutes, Title 3, section 2 and
32 reimbursement for travel and other necessary expenses for their
33 attendance at authorized meetings of the commission. Public
34 members not otherwise compensated by their employers or other
35 entities that they represent are entitled to receive
36 reimbursement of necessary expenses for their attendance at
37 authorized meetings of the commission; and be it further

38 **Sec. 8. Commission budget. Resolved:** That the chairs of the
39 commission, with assistance from commission staff, shall
40 administer the commission's budget. Within 10 days after its
41 first meeting, the commission shall present a work plan and
42 proposed budget to the Legislative Council for its approval. The
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commission may not incur expenses that would result in the commission's exceeding its approved budget; and be it further

Sec. 9. Report. Resolved: That the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Legal and Veterans Affairs and the Legislative Council before December 1, 2001. Following receipt and review of the report, the Joint Standing Committee on Legal and Veterans Affairs may report out a bill to the Second Regular Session of the 120th Legislature to implement the commission's recommendations. If the commission requires a limited extension of time to conclude its study and to make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 10. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

2001-02

LEGISLATURE
Commission to Clarify the Laws
Governing Lobbyist Disclosure
Requirements

Personal Services	\$1,100
All Other	2,400

Provides funds for the per diem and expenses of legislative members and other eligible members of the Commission to Clarify the Laws Governing Lobbyist Disclosure Requirements and to print the required report.

LEGISLATURE
TOTAL \$3,500

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

Further amend the bill by inserting at the end before the summary the following:

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FISCAL NOTE

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2001-02

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APPROPRIATIONS/ALLOCATIONS

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General Fund

\$3,500

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The Legislature will require an additional General Fund appropriation of \$3,500 in fiscal year 2001-02 for the per diem and expenses of legislative members and other eligible members of the Commission to Clarify the Laws Governing Lobbyist Disclosure Requirements and to print the required report.

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The additional costs associated with providing staffing assistance to the commission during the interim between legislative sessions can be absorbed by the Legislature utilizing existing budgeted resources. If an extension of the reporting deadline is granted and the commission requires staffing assistance during the legislative session, the Legislature may require an additional General Fund appropriation to contract for staff services.

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The Commission on Governmental Ethics and Election Practices will incur some minor additional costs to consult with members of the Commission to Clarify the Laws Governing Lobbyist Disclosure Requirements on the study commission's findings and recommendations. These costs can be absorbed within the commission's existing budgeted resources.'

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SUMMARY

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This amendment strikes and replaces the bill by establishing the 8-member Commission to Clarify the Laws Governing Lobbyist Disclosure Requirements. The commission is required to report its findings and recommendations to the Joint Standing Committee on Legal and Veterans Affairs by December 1, 2001. It also adds an appropriation section and a fiscal note to the bill.

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