



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1307

H.P. 983

House of Representatives, March 5, 2001

An Act to Amend the Lobbyist Disclosure Procedures Laws Administered by the Commission on Governmental Ethics and Election Practices.

Reported by Representative TUTTLE for the Commission on Governmental Ethics and Election Practices pursuant to the Maine Revised Statutes, Title 1, section 1007.

Reference to the Joint Standing Committee on Legal and Veterans Affairs suggested and printing ordered under Joint Rule 218.

Millicent M. Mac Failand

MILLICENT M. MacFARLAND, Clerk

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

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Sec. 1. 3 MRSA §312-A, sub-§9, as amended by PL 1993, c. 446, 4 Pt. A, §5, is further amended to read:

9. Lobbying. "Lobbying" means to communicate directly with 6 any official in the Legislature for the purpose of influencing any legislative action or with the Governor for the purpose of 8 influencing the approval or veto of a legislative action when reimbursement for expenditures or compensation is made for those 10 activities. It includes the time spent to prepare and submit to the Governor, a Legislator or a legislative committee oral and 12 written proposals for, or testimony or analyses concerning, a legislative action. It also includes the time spent traveling to 14 and from and waiting to make a presentation at any meeting with the Governor, a Legislator or a legislative committee concerning 16 a legislative action for which the lobbyist or lobbyist associate 18 is compensated by an employer.

Sec. 2. 3 MRSA §312-A, sub-§11-B is enacted to read:

22 **<u>11-B. Pecuniary benefit.</u>** "Pecuniary benefit" means an economic gain in any form except:

- A. Economic advantage generally applicable to the public; 26 B. A meal, if the meal is provided by an industry or 28 special interest organization as part of an informational program and the information relates to a matter that is 30 within the official duties of the recipients; or
- 32 <u>C. Informational material, publications or subscriptions</u> related to the official duties of the recipient.

Sec. 3. 3 MRSA §316, sub-§1, as amended by PL 1993, c. 446, Pt. A, §13 and affected by §20, is further amended to read:

38 1. Names. The name of the lobbyist, a list of the lobbyist associates, the name of the person authorized by the lobbyist to 40 sign the-registration-and reports for the lobbyist and, the name of the person employing the lobbyist and the principal officer of 42 the employer of the lobbyist if that employer is not an individual;

Sec. 4. 3 MRSA §317, sub-§1, ¶D-1 is enacted to read:

48 <u>D-1. The specific dollar amount of compensation received</u> 48 <u>for the time spent traveling to and from and waiting to make</u> a presentation at a meeting with the Governor, a Legislator 50 <u>or a legislative committee concerning a legislative action</u> for which the lobbyist or lobbyist associate is compensated by the employer;

Sec. 5. 3 MRSA $\S317$, sub- $\S2$, as corrected by RR 1993, c. 2, $\S1$, is amended to read:

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

16 The report must include a separate listing of legislative actions for the calendar <u>year</u> reported on pursuant to subsection 1, 18 paragraphs H and I. The reports required by subsection 1 must be signed by the person designated by the lobbyist in section 316, 20 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 24 day other than a regular business day, the report is due on the first regular business day next following the due date.

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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 32 expended for purposes not related to lobbying.

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Sec. 6. 3 MRSA §318, sub-§3 is enacted to read:

36 3. Campaign contributions and solicitations. A lobbyist, lobbyist associate or employer of a lobbyist or lobbyist associate may not intentionally give, offer or promise a contribution to the Governor, a member of the Legislature or a 40 constitutional officer or to the staff or agent of the Governor, a member of the Legislature or a constitutional officer during a 42 time in which the Legislature is convened before final adjournment as provided by Title 1, section 1015, subsection 3.

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Sec. 7. 3 MRSA §318-A is enacted to read:

<u>§318-A.</u> Prohibition

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<u>A lobbyist, lobbyist associate or employer of a lobbyist or</u> 50 <u>lobbyist associate may not furnish to a Legislator a pecuniary</u> <u>benefit except as authorized by law. A violation of this section</u> is a civil violation for which a forfeiture of not more than \$200 may be adjudged.

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SUMMARY

8 This bill amends the definition of "lobbying" and defines the term "pecuniary benefit." The bill clarifies what names must be included on registration forms. The bill also specifies that the specific dollar amount of compensation received for the time 12 spent to make a presentation must be included in the monthly session reports. The bill prohibits a lobbyist from giving, 14 offering or promising a contribution to the Governor, a member of the Legislature or a constitutional officer while the Legislature 16 is in session.