

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1373

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H.P. 1024

House of Representatives, March 5, 2001

**An Act to Amend the Laws Governing Lobbyists and the Laws  
Administered by the Commission on Governmental Ethics and Election  
Practices.**

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Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative CANAVAN of Waterville.

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

2  
3       **Sec. 1. 1 MRSA §1002, sub-§1, ¶¶A and C, as repealed and**  
4 **replaced by IB 1995, c. 1, §1, are amended to read:**

6       A. ~~By March 31, 1997, and as needed after that date~~ As  
7 needed after March 31, 1997, the Governor, the President of  
8 the Senate, the Senate Minority Leader, the Speaker of the  
9 House and the House Minority Leader shall jointly establish  
10 and publish a nomination period during which members of the  
11 public, groups and organizations may nominate qualified  
12 individuals to the Governor for appointment to the  
13 commission. ~~The initial nomination period must close by May~~  
14 ~~1, 1997.~~

16       C. ~~Two initial appointees are appointed for 1-year terms,~~  
17 ~~two are appointed for 2-year terms and one is appointed for~~  
18 ~~a 3-year term according to a random lot drawing under the~~  
19 ~~supervision of the Secretary of State. Subsequent~~  
20 ~~appointees~~ Appointees are appointed to serve 4-year terms.  
21 A person may not serve more than 2 terms.

22       **Sec. 2. 1 MRSA §1004, as amended by PL 1977, c. 252, §1, is**  
23 **further amended to read:**

24  
25       **§1004. Meetings**

26  
27       The President of the Senate and the Speaker of the House  
28 shall jointly call an organizational meeting of the commission  
29 within 10 days after the members have taken their oaths of  
30 office. ~~Thereafter, the~~ The commission shall meet on the call of  
31 the Secretary of State ~~or of the Speaker of the House or the~~  
32 President of the Senate to perform the duties required of it or  
33 as specifically provided in this chapter. The commission shall  
34 also meet at other times at the call of the chairman chair or at  
35 the call of a majority of the members, provided all members are  
36 notified of the time, place and purpose of the meeting at least  
37 24 hours in advance.

38  
39       **Sec. 3. 1 MRSA §1008, sub-§2, as amended by IB 1995, c. 1, §3,**  
40 **is further amended to read:**

41  
42       2. **Election practices.** To administer and investigate any  
43 violations of the requirements for campaign reports and campaign  
44 financing, including the provisions of the Maine Clean Election  
45 Act and the Maine Clean Election Fund, ~~and to investigate and~~  
46 ~~make findings of fact and opinion on the final determination of~~

2 the results, within the limits of the Constitution of Maine and  
the Constitution of the United States, of any contested county,  
state-or-federal-election-within-this-State;

4  
6 **Sec. 4. 1 MRSA §1008, sub-§6**, as enacted by IB 1995, c. 1, §6,  
is amended to read:

8 **6. Enhanced monitoring; source of revenue.** To provide for  
enhanced monitoring and enforcement of election practices and to  
10 institute electronic submission of reports and computerized  
tracking of campaign, election and lobbying information under the  
12 commission's jurisdiction. Funds to support enhanced monitoring  
and computerized data collection must come from the Maine Clean  
14 Election Fund, established pursuant to Title 21-A, section 1124;  
the commission's share of lobbyist registration fees, penalties  
16 and other revenues pursuant to Title 3, section 320 as well as  
chapter 15; and other revenue sources that may benefit from the  
18 commission's acquisition and use of an electronic data collection  
and disclosure system.

20  
22 **Sec. 5. 1 MRSA §1012, sub-§7**, as enacted by PL 1989, c. 561,  
§4, is amended to read:

24 **7. Income.** "Income" means economic gain to a person from  
any source, including, but not limited to, compensation for  
26 services, including fees, commissions and payments in kind;  
income derived from business; gains derived from dealings in  
28 property, rents and royalties; income from investments including  
interest, capital gains and dividends; annuities; income from  
30 life insurance and endowment contracts; pensions; income from  
discharge of indebtedness; distributive share of partnership  
32 income; income from an interest in an estate or trust; prizes;  
and grants, but does not include gifts. Income received in kind  
34 includes, but is not limited to, the transfer of property and  
options to buy or lease, and stock certificates. Income "Income"  
36 does not include alimony-and-separate-maintenance-payments.:

38 A. Alimony and separate maintenance payments; or

40 B. Campaign contributions recorded and reported as required  
42 by Title 21-A, chapter 13.

44 **Sec. 6. 3 MRSA §312-A, sub-§9**, as amended by PL 1993, c. 446,  
Pt. A, §5, is further amended to read:

46 **9. Lobbying.** "Lobbying" means to communicate directly with  
any official in the Legislature for the purpose of influencing  
48 any legislative action or with the Governor for the purpose of  
influencing the approval or veto of a legislative action when  
50 reimbursement for expenditures or compensation is made for those  
activities. It includes the time spent to prepare and submit to  
52 the Governor, a Legislator or a legislative committee oral and  
written proposals for, or testimony or analyses concerning, a

1 legislative action. "Lobbying" also includes the time spent  
2 traveling to and from and waiting to make a presentation at any  
3 meeting with the Governor, a Legislator or a legislative  
4 committee concerning a legislative action for which the lobbyist  
5 or lobbyist associate is compensated by the employer.

6  
7 **Sec. 7. 3 MRSA §316, sub-§1**, as amended by PL 1993, c. 446,  
8 Pt. A, §13 and affected by §20, is further amended to read:

10 **1. Names.** The name of the lobbyist, a list of the lobbyist  
11 associates, the name of the person authorized by the lobbyist to  
12 sign the registration and reports for the lobbyist and, the name  
13 of the person employing the lobbyist and the principal officer of  
14 the person employing the lobbyist if that person is not an  
15 individual;

16 **Sec. 8. 3 MRSA §317, sub-§1, ¶D-1** is enacted to read:

18 D-1. The specific dollar amount of compensation received  
19 for the time spent traveling to and from and waiting to make  
20 a presentation at any meeting with the Governor, a  
21 Legislator or a legislative committee concerning a  
22 legislative action for which the lobbyist or lobbyist  
23 associate is compensated by the employer.

24  
25 **Sec. 9. 3 MRSA §317, sub-§2**, as corrected by RR 1993, c. 2,  
26 §1, is amended to read:

27  
28 **2. Annual report.** Thirty days following the end of the  
29 year in which any person lobbied pursuant to section 313, the  
30 lobbyist and the lobbyist's employer shall file with the  
31 commission a joint report that must contain the information  
32 required in subsection 1, except that the report must summarize  
33 all lobbying activities for the year and report in detail only  
34 those legislative actions not previously reported, as required by  
35 subsection 1, paragraphs H and I.

36  
37 The report must include a separate listing of legislative actions  
38 for the calendar year reported on pursuant to subsection 1,  
39 paragraphs H and I. The reports required by subsection 1 must be  
40 signed by the person designated by the lobbyist in section 316,  
41 subsection 1. The reports required by this subsection must be  
42 signed by both the designated person and the employer.

43  
44 If the date any report required by this section is due falls on a  
45 day other than a regular business day, the report is due on the  
46 first regular business day next following the due date.

47  
48 In addition to the amounts identified in subsection 1 as  
49 compensation received or expenditure made for the primary purpose  
50 of lobbying, this annual report must include the total amount of  
51 compensation received by the lobbyist or the lobbying firm, or  
52

2 expended by the employer, except compensation received or  
expended for purposes not related to lobbying.

4 **Sec. 10. 3 MRSA §318, sub-§3** is enacted to read:

6 **3. Campaign contributions and solicitations.** A lobbyist,  
7 lobbyist associate or employer may not intentionally give, offer  
8 or promise a contribution to the Governor, a Legislator or a  
9 constitutional officer or the staff or agent of the Governor, a  
10 Legislator or a constitutional officer during any time in which  
11 the Legislature is convened before final adjournment as provided  
12 by Title 1, section 1015, subsection 3.

14 **SUMMARY**

16 This bill makes some housekeeping changes to remove old  
18 language and removes language that states that the Commission on  
Governmental Ethics and Election Practices has the responsibility  
20 to investigate and make findings on contested elections. This  
bill also provides that funds from the Maine Clean Election Fund  
22 and other sources that may benefit from the commission's  
acquisition and use of an electronic data collection and  
24 disclosure system be used to provide for enhanced monitoring and  
enforcement of election practices and to support instituting  
26 electronic submission of reports. The definition of "income" is  
amended by this bill to exclude alimony and legally reported  
28 campaign contributions. The definition of "lobbying" is also  
amended to include the time spent waiting to meet with the  
30 Governor, a Legislator or a legislative committee on behalf of  
the lobbyist's employer and requires the lobbyist to report this  
32 time to the Commission on Governmental Ethics and Election  
Practices. Finally, the bill prohibits a lobbyist from offering a  
34 contribution to the Governor, a Legislator, a constitutional  
officer or their staff during any time the Legislature is  
36 convened.