

# MAINE STATE LEGISLATURE

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R.D.S.

L.D. 1822

DATE: 3/9/6

(Filing No. H-822)

LEGAL AND VETERANS AFFAIRS

MINORITY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1262, L.D. 1822, Bill, "An Act To Require the Commission on Governmental Ethics and Election Practices To Produce a Register of All Registered Lobbyists"

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

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

9. Lobbying. "Lobbying" means to communicate directly with any official in the Legislature for the purpose of influencing any legislative action or with the Governor for the purpose of influencing the approval or veto of a legislative action when reimbursement for expenditures or compensation is made for those activities. It includes the time spent to prepare and submit to the Governor, a Legislator or a legislative committee oral and written proposals for, or testimony or analyses concerning, a legislative action. It also includes communicating with the Governor, a Legislator or an official in the legislative branch with regard to an issue or topic that is not the subject of legislative action when the purpose of the communication is to influence the position of the Governor, the Legislator or the official in the legislative branch.

Sec. 2. 3 MRSA §312-A, sub-§10, as repealed and replaced by PL 1993, c. 691, §5, is amended to read:

10. Lobbyist. "Lobbyist" means any person who is specifically employed by another person for the purpose of and

COMMITTEE AMENDMENT

2 who engages in lobbying ~~in excess of 8 hours in any calendar~~  
month, or any individual who, as a regular employee of another  
4 person, expends an amount of time in excess of 8 hours in any  
calendar month in lobbying. "Lobbyist" does not include a  
lobbyist associate.

6 **Sec. 3. 3 MRSA §312-A, sub-§13-A** is enacted to read:

8 13-A. Quarter. "Quarter" means a 3-month period of a year,  
10 with the first quarter beginning December 1st.

12 **Sec. 4. 3 MRSA §313**, as amended by PL 1999, c. 745, §1, is  
14 further amended to read:

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

18 Every employer of a lobbyist and every lobbyist and lobbyist  
associate who lobbies on behalf of that employer shall register  
jointly at the office of the commission no later than 15 10  
20 business days after commencement of lobbying and pay a  
registration fee of \$200 for the registration of each lobbyist  
22 and \$100 for the registration of each lobbyist associate or such  
other amounts as the commission determines approximate the cost  
24 to the commission of administering and enforcing the provisions  
of this chapter.

26 **Sec. 5. 3 MRSA §314**, as corrected by RR 1993, c. 1, §1, is  
28 amended to read:

30 **§314. Duration of registration**

32 Each joint registration filed pursuant to this chapter  
automatically expires on the last day of the year during which  
34 the person was registered to lobby, unless as otherwise provided.

36 A joint registration expires if the employer notifies the  
commission in writing that the lobbyist is no longer engaged by  
38 the employer to lobby. If termination occurs the employment  
relationship between the employer and the lobbyist terminates  
40 prior to November 30th, the notification must be given to the  
commission within 30 days of the termination.

42 The employer and the lobbyist are responsible for completing  
44 and submitting any outstanding quarterly reports at the time of  
the termination of employment.

46 ~~If termination is effected prior to November 30th, no~~  
48 ~~further reports are required, except that the lobbyist and~~  
~~employer are required to file an annual report pursuant to~~  
50 ~~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.~~

Any After the lobbyist's employment has been terminated, a new joint registration must be filed pursuant to section 313 before any lobbying is commenced after the lobbyist's employment has been terminated on the employer's behalf.

**Sec. 6. 3 MRSA §315**, as amended by PL 1993, c. 691, §§14 and 15, is repealed.

**Sec. 7. 3 MRSA §315-A** is enacted to read:

**§315-A. Registration docket; disclosure website**

**1. Registration.** 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:

A. An alphabetical listing of those persons who have employed a lobbyist, which listing must indicate the names of all lobbyists employed by the employer; and

B. An alphabetical listing of those persons employed as lobbyists, which listing must indicate the names of all persons by whom each lobbyist is employed.

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

**2. Disclosure website.** The commission shall develop and maintain a publicly accessible website that displays:

A. A list of all persons who have employed a lobbyist during the current year;

2 B. A list of all lobbyists and lobbyist associates  
3 registered for the year;

4 C. A profile of each registered lobbyist and lobbyist  
5 associate, including contact information, the name of the  
6 lobbyist's employer or employers and, if provided by the  
7 lobbyist or lobbyist associate, a photograph of the lobbyist  
8 or lobbyist associate;

10 D. A profile of each person employing a lobbyist, including  
11 contact information for the employer, and a list of  
12 lobbyists and lobbyist associates engaged by the employer;  
13 and

14 E. For each employer, a list of all legislative actions,  
15 issues and topics that have been the subject of lobbying for  
16 the year, including hyperlinks to the summary page of the  
17 Legislature's publicly accessible website for each  
18 legislative document listed.

20  
22 **Sec. 8. 3 MRSA §316, sub-§4**, as amended by PL 1993, c. 446,  
23 Pt. A, §13 and affected by §20, is further amended to read:

24  
25 **4. Nature of business.** A description of the nature of the  
26 business of the person employing that lobbyist and the general  
27 interest areas in which that employer will lobby; and

28  
29 **Sec. 9. 3 MRSA §317**, as amended by PL 2005, c. 301, §4, is  
30 further amended to read:

32 **§317. Reports**

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

38  
39 **1. Quarterly reports.** ~~During--the--period--in--which--the~~  
40 ~~Legislature--is--in--session--every~~ Every registered lobbyist shall  
41 file with the commission, no later than 15 calendar days  
42 subsequent to the conclusion of the preceding month quarter, a  
43 report concerning the lobbyist's activities for the previous  
44 month quarter regarding each employer.

45 Every lobbyist shall report that lobbyist's lobbying activities  
46 for each ~~month--that--the--Legislature--is--in--session~~ quarter, even  
47 if no lobbying has been performed or compensation or  
48 reimbursement for expenses received for the ~~month~~ quarter. In the  
49 case of a lobbyist representing multiple employers, if no  
50

lobbying or services in support of lobbying were performed, one report listing each employer on whose behalf no lobbying was conducted may be submitted. The monthly quarterly report must contain the following information:

A. The month quarter to which the report pertains;

B. The name and address of the lobbyist and the employer;

C. The names of the individuals who lobbied during the month quarter;

D. The specific dollar amount of compensation ~~received~~ earned during the quarter for the preparation of documents and research for the primary purpose of influencing legislative action and for lobbying;

In the case of a lobbyist who is a regular employee, the specific dollar amount must be computed by multiplying the number of hours devoted to the preparation of documents and research for the primary purpose of influencing legislative action and to lobbying by the employee's regular rate of pay based on a 40-hour week;

E. The specific dollar amount of expenditures made during the month quarter that is the subject of the report with regard to the preparation of documents and research for the primary purpose of influencing legislative action and to lobbying for which the lobbyist has been or expects to be reimbursed;

F. The total amount of money expended directly to or on behalf of one or more officials of the legislative branch, including members of the official's immediate family, and the amount, if any, for which the lobbyist has been or expects to be reimbursed;

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 during the quarter and the date, amount and purpose of the expenditure or expenditures.

G-1. The date, a description of the event, a list of all officials of the legislative branch or administrative agency or members of an official's immediate family and the total amount of expenditures for the event, if the total amount of the expenditures for officials and family members total is \$250 or more;

2 H. A list of each legislative action, by Legislative  
Document number or, if unknown, by Senate Paper or House  
4 Paper number; ~~or, if unknown, by issue,~~ topic or nomination;  
or by section designation or topic in a budget bill, in  
6 connection with which the lobbyist is engaged in lobbying  
for the quarter;

8  
10 H-1. A reasonable estimate of the number of hours spent on  
lobbying for each legislative action, issue or topic, or  
other matter reported for the quarter;

12  
14 H-2. For each legislative action, issue or topic or other  
matter reported for the quarter, the employer's position,  
16 whether in favor or opposition, neither in favor or in  
opposition, partially in favor or opposition, or undecided,  
18 and whether the employer is monitoring that legislative  
action, issue, topic or other matter;

20 I. A list specifically identifying each legislative action,  
Legislative Document, Senate Paper, House Paper or  
22 nomination; budget bill section designation or topic; or  
issue or topic that is not the subject of a legislative  
24 action for which the lobbyist was compensated or expects to  
be compensated, or expended in excess of \$1,000 for lobbying  
26 activities related to those actions and a statement of the  
amounts compensated or expended for each; and

28  
30 J. If the lobbyist is required to make a specific list of  
items under paragraph I, a list of all original sources of  
any money received from that employer must be included. If  
32 the employer or person who contributes to an employer is a  
corporation formed under Title 13 or 13-C or former Title  
34 13-A, nonprofit corporation formed under Title 13-B or  
limited partnership under Title 31, the corporation,  
36 nonprofit organization or limited partnership, not the  
individual members or contributors, is listed as the  
38 original source.

40 1-A. Notification of initiation of lobbying. Within 10  
business days of commencing lobbying on any legislative action,  
42 topic or issue or other matter, a lobbyist shall notify the  
commission regarding each legislative action, topic or issue or  
44 other matter that is the subject of the lobbying activity,  
including the position taken by the employer, whether in favor or  
46 opposition, neither in favor or opposition, partially in favor or  
opposition, or undecided, and whether the employer is monitoring  
48 a particular legislative action. The report must be submitted in  
a manner prescribed or approved by the commission.

50

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

10 ~~The-report-must-include-a-separate-listing-of-legislative-actions~~  
11 ~~for--the--calendar--year--reported--on--pursuant--to--subsection-1,~~  
12 ~~paragraphs-H-and-I.--The-reports-required-by-subsection-1-must-be~~  
13 ~~signed-by-the-person-designated-by-the-lobbyist-in-section-316,~~  
14 ~~subsection-1.--The-reports-required-by-this-subsection-must-be~~  
15 ~~signed-by-both-the-designated-person-and-the-employer.~~

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

19 ~~In--addition--to--the--amounts--identified--in--subsection--1--as~~  
20 ~~compensation-received-or-expenditure-made-for-the-primary-purpose~~  
21 ~~of-lobbying,--this-annual-report-must-include-the-total-amount-of~~  
22 ~~compensation-received-by-the-lobbyist-or-the-lobbying-firm,--or~~  
23 ~~expended--by--the--employer,--except--compensation--received--or~~  
24 ~~expended--for--purposes--not--related--to--lobbying.~~

25 ~~2-A. Electronic filing. Beginning--January--1,--2006,--a~~ A  
26 ~~lobbyist shall file~~ ~~monthly--session~~ quarterly reports under  
27 ~~subsection 1 and--annual-reports--under--subsection-2~~ through an  
28 ~~electronic filing system developed by the commission. The~~  
29 ~~commission may make an exception to this electronic filing~~  
30 ~~requirement if a lobbyist submits a written request that states~~  
31 ~~that the lobbyist lacks access to the technology or the~~  
32 ~~technological ability to file reports electronically. The~~  
33 ~~request for an exception must be submitted at least 10 days prior~~  
34 ~~to the deadline for the first report that the lobbyist is~~  
35 ~~required to file for the lobbying year. The commission shall~~  
36 ~~grant all reasonable requests for exceptions.~~

37 ~~3. Facsimile copies. The commission may, by rules adopted~~  
38 ~~pursuant to the Maine Administrative Procedure Act, Title 5,~~  
39 ~~chapter 375, establish procedures and fees by which facsimile~~  
40 ~~copies of duly executed reports required by this section may be~~  
41 ~~received and filed with the commission.~~

42 ~~4.---Monthly-nonsession-reports.---When-the-Legislature-is-not~~  
43 ~~in-regular-session,--every-registered-lobbyist-must-either-file+~~



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

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

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

28 **Sec. 10. 3 MRSA §319, sub-§3,** as amended by PL 1993, c. 446,  
30 Pt. B, §13, is repealed.

32 **Sec. 11. 3 MRSA §320, first ¶,** as amended by IB 1995, c. 1, §8,  
34 is further amended to read:

36 Fees collected pursuant to this chapter must go in equal  
38 portions to the General Fund and to the commission.

40 **Sec. 12. 3 MRSA §321, sub-§5,** as amended by PL 1993, c. 691,  
42 §24, is further amended to read:

44 **5. Acceptance or rejection of forms.** The commission may  
46 prescribe forms for all documents and reports required or  
48 permitted to be filed with the commission and may refuse to  
50 accept documents and reports not filed on those forms.'

36 **SUMMARY**

38 This amendment replaces the bill, which is a concept draft.  
40 It is the minority report of the committee. The amendment makes  
42 changes to the lobbyist disclosure laws and also requires a  
44 lobbyist disclosure website.

46 It amends the definition of "lobbying" to include  
48 communicating with the Governor or an official in the legislative  
50 branch with regard to an issue or topic that is not the subject  
of legislative action when the purpose of that communication is  
to influence the position of the Governor, a Legislator or an  
official in the legislative branch. It requires that upon  
termination of employment of a lobbyist, the employer and the  
lobbyist are responsible for completing and submitting any

COMMITTEE AMENDMENT **A**" to H.P. 1262, L.D. 1822

2 outstanding reports. It requires quarterly reporting as opposed  
3 to monthly reporting required by current law and strikes the  
4 annual reporting and monthly nonsession reporting requirements.  
5 The amendment strikes a provision that exempts a lobbyist from  
6 the penalty for failure to file if the lobbyist failed to file  
7 during a special session when no lobbying was performed. It  
8 requires that within 10 days of commencing lobbying activity, the  
9 lobbyist notify the Commission on Governmental Ethics and  
10 Election Practices of the legislative action, issue or topic that  
11 is subject to lobbying activity, including the position on the  
12 topic.

13 It adds the following to what is currently required by  
14 lobbying activity reports:

15 1. Lobbying activity on a particular issue relative to a  
16 part of a budget bill;

17 2. A reasonable estimate of the number of hours spent  
18 lobbying on each legislative action, issue, topic or other matter  
19 reported;

20 3. The position stated by the lobbyist on behalf of the  
21 employer, whether it be in favor, opposed, partially in favor or  
22 opposed or neither for nor against, or whether the issue is just  
23 being monitored by the lobbyist; and

24 4. That if \$1,000 or more was spent on actions regarding a  
25 budget bill or topic not the subject of legislative action, that  
26 activity must be reported.

27 The amendment requires the commission to create a publicly  
28 accessible website that includes:

29 1. A list of all persons who employed a lobbyist for the  
30 year;

31 2. A list of all lobbyists and lobbyist associates  
32 registered for the year;

33 3. A profile of lobbyists, including contact information,  
34 names of those employing the lobbyists and, if provided,  
35 photographs;

36 4. A profile of employers of lobbyists, including contact  
37 information and a list of the lobbyists they employ; and

38 5. For each employer, a listing of legislative actions,  
39 issues and topics that were the subject of lobbying that year.  
40

41

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2 This amendment also provides that the commission may keep  
all of the lobbyist registration fees it collects to cover the  
4 cost of administering the expanded reporting requirements and the  
lobbyist registration website. Under current law half of those  
fees goes to the General Fund.

FISCAL NOTE REQUIRED  
(See attached)



# 122nd MAINE LEGISLATURE

LD 1822

LR 2879(02)

## An Act to Require the Commission on Governmental Ethics and Election Practices to Produce a Register of All Registered Lobbyists

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Minority Report

### Fiscal Note

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$55,000	\$55,000	\$55,000
<b>Revenue</b>				
General Fund	\$0	(\$55,000)	(\$55,000)	(\$55,000)
Other Special Revenue Funds	\$0	\$55,000	\$55,000	\$55,000

#### Fiscal Detail and Notes

Beginning in fiscal year 2006-07, allowing the Commission on Governmental Ethics and Election Practices to keep all of the lobbyist registration fees that it collects as Other Special Revenue Funds revenue will result in the estimated annual loss of \$55,000 in General Fund revenue and an equivalent gain of the same amount in dedicated revenue.