

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1993

H.P. 1395

House of Representatives, February 2, 2006

### **An Act To Make Public Information Regarding Financial Interests Affecting Legislative Testimony**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FAIRCLOTH of Bangor.  
Cosponsored by Senator BARTLETT of Cumberland and  
Representatives: DUCHESNE of Hudson, HOTHAM of Dixfield, PATRICK of Rumford,  
VALENTINO of Saco, Senators: GAGNON of Kennebec, SCHNEIDER of Penobscot.

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

Sec. 1. 3 MRSA c. 15, as amended, is further amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 15

DISCLOSURE PROCEDURES

Sec. 2. 3 MRSA §319-A is enacted to read:

§319-A. Testimony before Legislature; lobbyist

1. Disclosure of compensation. A lobbyist or lobbyist associate who testifies before a joint select or joint standing committee of the Legislature shall disclose to the committee as part of the testimony the name of the person or organization that the lobbyist or lobbyist associate is representing.

2. Report of violation. Any person may file a complaint with the commission alleging a violation of this section. The commission shall notify all interested parties and shall investigate any apparent violations of this section.

3. Penalty. If a lobbyist or lobbyist associate fails to disclose information required in subsection 1, the commission may:

A. Suspend the lobbyist or lobbyist associate from further lobbying by written notice of the commission; and

B. Assess a penalty of up to \$5,000 against the lobbyist or lobbyist associate.

4. Enforcement. The commission shall report to the Attorney General the name of a lobbyist or lobbyist associate who fails to pay, within 30 days of the imposition of a penalty, the full amount of the penalty assessed pursuant to subsection 3, paragraph B. The Attorney General shall enforce the violation in a civil action to collect the full outstanding amount of the penalty. This action must be brought in the Superior Court for Kennebec County or the District Court, 7th District, Division of Southern Kennebec.

Sec. 3. 3 MRSA §319-B is enacted to read:

§319-B. Testimony before Legislature; others

1. Disclosure of compensation. A witness other than a lobbyist or lobbyist associate who testifies before a joint

2 select or joint standing committee of the Legislature and who has  
3 received or expects to receive any compensation for the testimony  
4 or for any research analysis or other service provided in  
5 connection with the testimony shall disclose to the committee as  
6 part of the testimony:

7 A. The person or organization paying the witness's  
8 compensation;

10 B. Any source other than that described in paragraph A that  
11 is indirectly paying the witness's compensation;

12 C. Any employer that has directed the witness to provide  
14 the testimony or other service; and

16 D. Any financial relationship between the witness or the  
17 witness's employer and any other organization that has  
18 employed a lobbyist or lobbyist associate in the State  
19 relating to the subject matter of the testimony.

20 2. Report of violation. Any person may file a complaint  
21 with the commission alleging a violation of this section. The  
22 commission shall notify all interested parties and shall  
24 investigate any apparent violations of this section.

26 3. Penalty. The commission may assess a penalty of up to  
27 \$5,000 against any person or organization that is involved in a  
28 failure to disclose information required in subsection 1.

30 4. Enforcement. The commission shall report to the  
31 Attorney General the name of any person who fails to pay, within  
32 30 days of the imposition of a penalty, the full amount of the  
33 penalty assessed pursuant to subsection 3. The Attorney General  
34 shall enforce the violation in a civil action to collect the full  
35 outstanding amount of the penalty. This action must be brought  
36 in the Superior Court for Kennebec County or the District Court,  
37 7th District, Division of Southern Kennebec.

## 40 SUMMARY

42 This bill requires that a person who testifies before a  
43 legislative committee must disclose a financial interest that may  
44 or does affect the person's testimony.