

MAINE STATE LEGISLATURE

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Date: 3-24-08

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LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE

SENATE

123RD LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 481, L.D. 1393, Bill, "An Act Regarding Lobbyist Disclosure"

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

'An Act Regarding Grassroots Lobbying'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 3 MRSA §312-A sub-§4-A is enacted to read:

4-A. Covered official. "Covered official" means an official in the executive branch, an official in the legislative branch, a constitutional officer, the Governor and the Governor's cabinet and staff.

Sec. 2. 3 MRSA §312-A, sub-§7-B is enacted to read:

7-B. Grassroots lobbying. "Grassroots lobbying" means to communicate with members of the public to solicit them to communicate directly with any covered official for the purpose of influencing legislative action, when that solicitation is made by:

- A. A broadcast, cable or satellite transmission;
- B. A communication delivered by e-mail, a website or any other digital format;
- C. A communication delivered by print media;
- D. A letter or other written communication delivered by mail or by comparable delivery service;
- E. Telephone; or
- F. A method of communication similar to those listed in paragraphs A to E.

A person does not engage in grassroots lobbying by communicating with that person's stockholders, employees, board members, officers or dues-paying members.

COMMITTEE AMENDMENT

1 **Sec. 3. 3 MRSA §312-A, sub-§11-A**, as repealed and replaced by PL 1993, c.
2 691, § 7, is amended to read:

3 **11-A. Original source.** "Original source" means any person who contributes \$500
4 or pays \$1,000 or more in any lobbying year directly or indirectly to any employer of a
5 lobbyist for purposes of lobbying or grassroots lobbying or to any other person for
6 purposes of grassroots lobbying, except that contributions of membership dues to
7 nonprofit corporations formed under Title 13-B, any equivalent state law or by legislative
8 enactment are not considered contributions by an original source.

9 **Sec. 4. 3 MRSA §312-A, sub-§14-A** is enacted to read:

10 **14-A. Solicit.** "Solicit" means to entreat, to implore, to urge or to ask.

11 **Sec. 5. 3 MRSA §317, sub-§1, ¶E-1** is enacted to read:

12 E-1. The specific amount of expenditures for grassroots lobbying made or incurred
13 during the month, with separate totals for expenditure categories as determined by the
14 commission, the legislative actions that are the subject of the grassroots lobbying and
15 a general description of the intended recipients;

16 **Sec. 6. 3 MRSA §317, sub-§1, ¶J**, as corrected by RR 2001, c. 2, Pt. B, §1 and
17 affected by §58, is amended to read:

18 ~~J. If the lobbyist is required to make a specific list of items under paragraph I, a~~
19 ~~list of all of the lobbyist's original sources of any money received from that employer~~
20 ~~must be included and a statement of the amounts contributed or paid by the original~~
21 ~~sources to the employer. If the employer or person who contributes to an employer~~
22 original source is a corporation formed under Title 13 or 13-C or former Title 13-A,
23 nonprofit corporation formed under Title 13-B or limited partnership under Title 31,
24 the corporation, nonprofit organization or limited partnership, not the individual
25 members or contributors, is must be listed as the original source.

26 **Sec. 7. 3 MRSA §317-A** is enacted to read:

27 **§317-A. Grassroots lobbying report**

28 Any person not required to register under section 313 that spends more than \$2,000
29 on grassroots lobbying during a lobbying year shall file a report no later than 11:59 p.m.
30 on the 15th day of the calendar month following the date on which that amount was
31 exceeded. The person shall file monthly reports by 11:59 p.m. on the 15th calendar day
32 of each month for the remainder of the lobbying year.

33 **1. Reports.** A grassroots lobbying report filed by a person pursuant to this section
34 must include:

35 A. The name of the person required to file the report;

36 B. The name of an individual serving as the contact for the person;

37 C. The business address and other contact information for the person;

38 D. A description of the business activity, mission, employer or occupation;

1 E. The specific amount of expenditures for grassroots lobbying made or incurred
2 during the month that is the subject of the report, with separate totals for expenditure
3 categories as determined by the commission, the legislative actions that are the
4 subject of the grassroots lobbying and a general description of the intended
5 recipients; and

6 F. A list of all of the person's original sources and a statement of the amounts
7 contributed or paid by the original source. If the original source is a corporation
8 formed under Title 13 or former 13-A, nonprofit corporation formed under Title 13-B
9 or limited partnership under Title 31, the corporation, nonprofit organization or
10 limited partnership, not the individual members or contributors, must be listed as the
11 original source.

12 A person required to file monthly reports is subject to the same electronic filing
13 requirements contained in section 317, subsection 2-A. Upon the termination of
14 grassroots lobbying, the person shall file a notice of termination with the final monthly
15 report.

16 **Sec. 8. Appropriations and allocations.** The following appropriations and
17 allocations are made.

18 **ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL**
19 **Governmental Ethics and Election Practices - Commission on 0414**

20 Initiative: Provides an allocation to update the existing electronic filing system for
21 lobbyist disclosure to allow for disclosure of grassroots lobbying.

22			
23	OTHER SPECIAL REVENUE	2007-08	2008-09
24	FUNDS		
25	All Other	\$0	\$3,000
26			
27	OTHER SPECIAL REVENUE	\$0	\$3,000
28	FUNDS TOTAL		

29

30 **SUMMARY**

31 This amendment replaces the bill. The amendment defines "grassroots lobbying." It
32 provides that a person who already files reports as a lobbyist must disclose grassroots
33 lobbying payments and expenditures in their monthly reports. For a person who does not
34 file reports as a lobbyist, the amendment requires disclosure of grassroots lobbying
35 expenditures once \$2,000 has been spent on grassroots lobbying.

36 **FISCAL NOTE REQUIRED**
37 **(See attached)**



123rd MAINE LEGISLATURE

LD 1393

LR 2534(02)

An Act Regarding Lobbyist Disclosure

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

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$3,000	\$0	\$0

Fiscal Detail and Notes

Provides a one-time Other Special Revenue Funds allocation in fiscal year 2008-09 of \$3,000 to modify the existing electronic filing system to allow for disclosure of grass-roots lobbying. Funding for this allocation would come from existing funds within the lobbyist fee special revenue account.