

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1151

S.P. 351

In Senate, March 17, 2011

### An Act Regarding Reporting Procedures of Lobbyists

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Submitted by the Commission on Governmental Ethics and Election Practices pursuant to the Maine Revised Statutes, Title 1, section 1009.

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator FARNHAM of Penobscot.  
Cosponsored by Representative: BEAULIEU of Auburn.

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

2 **Sec. 1. 3 MRSA §314, 3rd ¶**, as repealed and replaced by PL 1993, c. 691, §13, is  
3 amended to read:

4 If termination is effected prior to November 30th, no further reports are required,  
5 ~~except that the lobbyist and employer are required to file an annual report pursuant to~~  
6 ~~section 317, subsection 2. The filing of an annual report, signed by the lobbyist and~~  
7 ~~employer, before November 30th is considered a notification of termination.~~

8 **Sec. 2. 3 MRSA §315-A, sub-§2, ¶E**, as amended by PL 2007, c. 630, §11, is  
9 further amended to read:

10 E. For each employer, a list of all legislative actions that have been the subject of  
11 lobbying for the year, including hyperlinks to the summary page of the Legislature's  
12 publicly accessible website for each legislative document listed; ~~and~~

13 **Sec. 3. 3 MRSA §315-A, sub-§2, ¶F**, as enacted by PL 2007, c. 630, §11, is  
14 further amended to read:

15 F. A list of officials in the executive branch as defined in section 312-A, subsection  
16 10-C; and

17 **Sec. 4. 3 MRSA §315-A, sub-§2, ¶G** is enacted to read:

18 G. The monthly reports filed under section 317 and an annual summary of those  
19 monthly reports.

20 **Sec. 5. 3 MRSA §317, sub-§2**, as amended by PL 2007, c. 630, §15, is repealed.

21 **Sec. 6. 3 MRSA §317, sub-§2-A**, as enacted by PL 2005, c. 301, §4, is amended  
22 to read:

23 **2-A. Electronic filing.** Beginning January 1, 2006, a lobbyist shall file monthly  
24 session reports under subsection 1 ~~and annual reports under subsection 2~~ through an  
25 electronic filing system developed by the commission. The commission may make an  
26 exception to this electronic filing requirement if a lobbyist submits a written request that  
27 states that the lobbyist lacks access to the technology or the technological ability to file  
28 reports electronically. The request for an exception must be submitted at least 10 days  
29 prior to the deadline for the first report that the lobbyist is required to file for the lobbying  
30 year. The commission shall grant all reasonable requests for exceptions.

31 **Sec. 7. 3 MRSA §319, sub-§1**, as repealed and replaced by PL 1993, c. 691, §22,  
32 is repealed and the following enacted in its place:

33 **1. Failure to file registration or report.** Any person who fails to file a registration  
34 or report as required by this chapter may be assessed a fine of \$100 for every month the  
35 person fails to register or is delinquent in filing a report pursuant to section 317. If a  
36 registration or report is filed late, the commission shall send a notice of the finding of  
37 violation and preliminary penalty. The notice must provide the lobbyist with an

1 opportunity to request a waiver of the preliminary penalty. If a lobbyist files a report  
2 required pursuant to section 317 within 24 hours after the deadline, the amount of the  
3 preliminary penalty is \$50. The commission may waive the fine or penalty in whole or in  
4 part if the commission determines the failure to register or report was due to mitigating  
5 circumstances or the fine or penalty is disproportionate to the level of experience of the  
6 lobbyist or the harm suffered by the public from the late registration or report. For  
7 purposes of this subsection, "mitigating circumstances" means:

8 A. A valid emergency determined by the commission, in the interest of the sound  
9 administration of justice, to warrant the waiver of the fine or penalty in whole or in  
10 part;

11 B. An error by the commission; or

12 C. Circumstances determined by the commission to warrant the waiver of the fine or  
13 penalty in whole or in part, based upon relevant evidence presented that a bona fide  
14 effort was made to file the report in accordance with this chapter, including, but not  
15 limited to, unexplained delays in Internet service.

## 16 **SUMMARY**

17 This bill makes the following changes to the laws governing lobbyist disclosure  
18 procedures.

19 1. It requires the Commission on Governmental Ethics and Election Practices to  
20 display on its publicly accessible website monthly reports filed by lobbyists and an  
21 annual summary of those monthly reports.

22 2. It eliminates the requirement that lobbyists and employers of lobbyists file annual  
23 reports with the commission.

24 3. It establishes the procedure for the commission to follow after a registration or  
25 report is filed late and defines "mitigating circumstances" for purposes of determining in  
26 which cases the commission may waive a penalty.