

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

Upon acceptance of rent control legislation and prior to its effective date, the popularly elected mayor of a city, or the council in a municipality having a council-manager form of government, or the board of selectmen in a town, shall appoint a rent control administrator or a rent control board to serve at the pleasure of the appointing authority.

Effective July 29, 1976

CHAPTER 723

AN ACT Relating to Teacher Employment.

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

Sec. 1. 20 MRSA § 161, sub-§ 5, first ¶, 2nd sentence, as last amended by P. L. 1973, c. 454, § 1, is further amended to read:

Except that after a probationary period of not to exceed 3 2 years, subsequent contracts of duly certified teachers shall be for not less than 2 years, and unless a duly certified teacher receives written notice to the contrary at least 6 months before the terminal date of the contract, the contract shall be extended automatically for one year and similarly in subsequent years until age 65, although the right to an extension for a longer period of time through a new contract is specifically reserved to the contracting parties.

Sec. 2. 20 MRSA § 161, sub-§ 5, first ¶, as last amended by P. L. 1973, c. 454, § 1, is further amended by inserting after the 2nd sentence a new sentence to read:

Just cause for dismissal or nonrenewal may be a negotiable item in accordance with the procedure set forth in Title 26, c. 9-A, for teachers who have served beyond the probationary period.

Effective July 29, 1976

CHAPTER 724

AN ACT to Require Registration and Reporting of Professional Lobbyists.

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

3 MRSA c. 15, as last repealed by PL 1975, c. 621, § 2, is reenacted to read:

CHAPTER 15

LOBBYIST DISCLOSURE PROCEDURES

§ 311. Declaration of purpose

The Constitution of Maine guarantees the right of the people to petition their government for the redress of grievances and to freely express their opinions on legislation and issues. The Legislature reaffirms its obligation to hear the requests and opinions of all of the people, and to preserve and maintain the integrity and accessibility of the legislative process.

The Legislature recognizes that groups of citizens may choose one among them to present their views to Legislators, and, because of the amount and complexity of proposed legislation, may employ persons knowledgeable in the legislative process to present their views. Such activities are proper methods of expressing the opinion of a group of citizens.

The Legislature also recognizes that such activities must be carried out openly so that other citizens are aware of the opinions and requests made in this manner. Legislative decisions can fully reflect the will of all the people only if the opinions expressed by any citizen are known to all and debated by all, and if the representatives of groups of citizens are identified and their expenditures and activities are regularly disclosed.

Therefore, the Legislature declares that, in order to insure the full participation of all the people of the State in the legislative process, full disclosure of the identity, expenditures and activities of any persons who engage in professional lobbying is required. Such disclosure will insure the openness and integrity of the legislative process and encourage the expression of the will of all the people of the State.

§ 312. Definitions

As used in this chapter, unless the context otherwise indicates, the following words and phrases shall have the following meanings.

1. Committee. "Committee" means any committee, subcommittee, or joint or select committee of the Legislature, or any special committee or commission, by whatever name, established by the Legislature to make recommendations for legislative action or to develop legislation.

2. Communicate. "Communicate" means the act of expressing, imparting or conveying information or impressions from one person to another, by either oral or written means.

3. Compensation. "Compensation" means money, service or anything of value or financial benefit which is received or to be received in return for or in connection with services rendered or to be rendered.

4. Employer. "Employer" means a person who agrees to reimburse for expenditures or to compensate a person who in return agrees to provide services.

5. Employment. "Employment" means an agreement to provide services in exchange for compensation or reimbursement of expenditures.

6. Expenditure. "Expenditure" means any advance, conveyance, deposit, distribution, transfer of funds, payment, pledge or subscription of money or anything of value or any contract, promise or agreement to transfer funds or anything of value, whether or not legally enforceable.

7. Legislative action. "Legislative action" means the drafting, introduction, consideration, modification, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter by the Legislature or by either House or by any committee or by an official in the Legislative Branch acting in his official capacity, or action of the Governor in approving or vetoing any legislative document presented to the Governor for his approval.

8. Lobbying. "Lobbying" means to communicate directly with any official in the Legislative Branch for the purpose of influencing any legislative action, when reimbursement for expenditures or compensation is made for such activities. Lobbying shall not include communications made in conjunction with the appearance by any person before any committee in connection with any matter or measure before such committee and any written statement submitted by any person to any committee in connection with such matter or measure; or any communication made by a person in response to an inquiry or request for information by an official in the Legislative Branch.

9. Lobbyist. "Lobbyist" means any person who is specifically employed by another person for the purpose of and who engages in lobbying; or any person who, as a regular employee of another person, expends an amount of time in excess of 8 hours in any calendar month in lobbying. "Lobbyist" shall not include an individual who is a partner, associate, member or employee of a partnership, firm, corporation or professional association which has been employed for lobbying when such individual is acting for the lobbyist in representing the employer.

10. Official in the Legislative Branch. "Official in the Legislative Branch" means a member, member-elect, candidate for or officer of the Legislature, or an employee of the Legislature.

11. Person. "Person" means an individual, business, corporation, association, professional association, labor union, firm, partnership, club or other organization, whether profit or nonprofit, or any municipality or quasi-municipality, but does not include the State of Maine, any agency of the State of Maine, the University of Maine or Maine Maritime Academy.

12. Reimbursement. "Reimbursement" means any money or anything of value received or to be received as repayment for expenditures.

13. Year. "Year" means calendar year.

§ 313. Registration of lobbyists and employers

Any person acting as a lobbyist and the person who employs that lobbyist shall jointly register at the office of the Secretary of State no later than 2

business days after the commencement of activities constituting lobbying and a fee, as determined by the Secretary of State, shall be paid for such joint registration.

§ 314. Duration of registration

Each joint registration required pursuant to this chapter shall expire on the last day of the year in which such registration occurred. Upon termination of employment of a lobbyist, the fact of termination and the date thereof shall be reported to the Secretary of State by the employer within 30 days of such termination. Termination of employment shall not relieve the lobbyist or employer of the reporting requirements of this chapter.

§ 315. Registration docket

The Secretary of State 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 shall be open to public inspection during the office hours of the Secretary of State. Such docket shall 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 which the lobbyist will receive for his services or, if an exact amount is unascertainable, the basis upon which the lobbyist will charge for his services. This docket shall be updated on a weekly basis and shall be arranged and indexed as follows:

1. Employers of lobbyists. An alphabetical listing of those persons who have employed a lobbyist, which listing shall indicate the names of all lobbyists employed by the employer; and
2. Lobbyists. An alphabetical listing of those persons employed as lobbyists, which listing shall indicate the names of all persons by whom each lobbyist is employed.

Upon termination of the employment of a lobbyist and the reporting of such termination by the employer, the fact of such termination and the date thereof shall be entered under the name of both the employer and the lobbyist.

Such docket shall be reestablished annually by the Secretary of State and the docket for any year shall be maintained and be available for public inspection in the office of the Secretary of State for 4 years from the expiration of such docket.

§ 316. Registration forms

The Secretary of State shall prepare and make available registration forms for the registration of lobbyists and employers required to register pursuant to section 313. These forms shall require the following information:

1. Names. The name of the lobbyist and the name of the person employing such lobbyist. If the lobbyist is a partnership, firm, corporation or professional association, the names of the partners, associates, members or employees who will be acting for the lobbyist in representing the employer shall also be provided;

2. Business addresses. The business address of both the lobbyist and the person employing such lobbyist;
3. Date. The date upon which lobbying was commenced or expected to be commenced;
4. Nature of business. A description of the nature of the business of the person employing such lobbyist; and
5. Compensation. The amount of compensation which the lobbyist will receive for his services or, if an exact amount is unascertainable, the basis upon which the lobbyist will charge for his services.

These forms shall be signed by both the lobbyist and the employer and the signatures contained thereon shall serve as a certificate that the information contained on such form is true, correct and complete.

§ 317. Reports

1. Monthly session reports. During the period in which the Legislature is in session, every lobbyist shall file with the Secretary of State, no later than 15 calendar days subsequent to the conclusion of the preceding month, a report concerning his lobbying activities for the previous month. A lobbyist shall file a separate report for each employer which he has served as a lobbyist. This report shall be on a form prescribed by the Secretary of State and shall contain a complete and current restatement of the information required to be supplied pursuant to section 316 and the following information:

A. The amount of compensation received or due to be received for lobbying during the preceding month. In the case of a regular employee, such amount shall be the number of hours of activities as a lobbyist multiplied by the employee's regular rate of pay;

B. Total expenditures during the previous month for lobbying for which the lobbyist has been or expects to be reimbursed by the employer;

C. The total amount of moneys expended directly to or on behalf of one or more officials in the Legislative Branch, including their immediate family, as defined in Title 1, section 1012, subsection 2, and the amount, if any, which the lobbyist has been or expects to be reimbursed by the employer;

D. The name of any officials in the Legislative Branch or their immediate family to whom or on whose behalf an expenditure or expenditures totaling in excess of \$25 was made in any one calendar month and the date, amount and purpose of such expenditure or expenditures;

E. A listing of each Legislative Document, Senate Paper or House Paper in connection with which the lobbyist engaged in the lobbying; and

F. A listing specifically identifying any Legislative Document, Senate Paper or House Paper for which the lobbyist was compensated, expects to be compensated, or expended, in excess of \$1,000 for lobbying activities related thereto and a statement of the amounts compensated, expected to be compensated, or expended in conjunction therewith.

2. Post-session reports. Within 30 days following the adjournment of a session of the Legislature, the lobbyist and his employer shall file a joint

report which shall contain all the information required in subsection 1 and shall summarize all compensation, expenditures and Legislative Documents beginning with the date of registration through the date of adjournment.

3. Annual reports. Within 30 days following the end of the year in which any person was registered pursuant to section 313, the lobbyist and his employer shall file a final report on a form prescribed by the Secretary of State containing the following information:

A. The information required at the time of registration as set forth in section 316;

B. The total amount of compensation paid to or due to be paid to the lobbyist by the employer for lobbying services provided by the lobbyist during the preceding year;

C. The total expenditures made by the lobbyist during the preceding year for which the lobbyist has been or expects to be reimbursed by the employer;

D. The total amount of moneys expended directly to or on behalf of one or more officials in the Legislative Branch, including their immediate family, as defined in Title 1, section 1012, subsection 2, during any calendar month in the preceding year and the amount, if any, which the lobbyist has been or expects to be reimbursed by the employer;

E. The name of any officials of the Legislative Branch or their immediate family to whom or on whose behalf during any calendar month in the preceding year an expenditure, or expenditures, in excess of \$25 was made and the date, amount and purpose of each expenditure or expenditures;

F. A listing of all Legislative Documents, Senate Papers or House Papers in connection with which the lobbyist acted in that capacity during the preceding year; and

G. A listing specifically identifying any document for which the lobbyist was compensated, expects to be compensated, or expended in excess of \$1,000 for lobbying activities related thereto and a statement of the amounts compensated, expected to be compensated or expended in conjunction therewith.

The report required by subsection 1 shall be signed by the lobbyist.

The reports required by subsections 2 and 3 shall be signed by both the lobbyist and his employer. All persons signing such reports shall acknowledge the truth and completeness of the statements and information contained therein before a notary public or justice of the peace.

§ 318. Restricted activities

1. Contingent compensation. No person shall accept employment as a lobbyist on a basis which makes that person's compensation contingent in any manner upon the outcome of any legislative action.

2. Instigation of legislative action. No person shall instigate the introduction or commencement of any legislative action for the purpose of obtaining employment as a lobbyist to oppose or support such legislative action.

§ 319. Penalties

1. Perjury. The penalty for willfully and knowingly filing incorrect or incomplete information in a registration or report required by this chapter shall be that provided for perjury.

2. Fine or imprisonment. The penalty for willfully or knowingly failing to file a registration or report as required by this chapter, or for violating section 318, shall be a fine of not more than \$1000 or imprisonment for not more than 11 months, or both.

§ 320. Disposition of fees

All fees collected pursuant to this chapter shall be used by the Secretary of State for the administration of this chapter. The Secretary of State may use these fees to hire personnel to serve at his pleasure and to assist him in administering this chapter.

The Secretary of State shall, no later than December 15th of each year, establish the amount of the registration fee required to be paid pursuant to section 313 for the subsequent year, except that the registration fee for the year 1976 shall be \$15. Such fees shall be established on a basis that will generate sufficient revenue to administer the filing and reporting requirements of this chapter but such fees shall not, in any case, unreasonably exceed the amount necessary to administer the filing and reporting requirements of this chapter. All fees collected under this chapter as in effect on December 31, 1975, are to be used in all respects as though they were originally collected pursuant to this chapter. Fees collected in any one year may be used in the same or any succeeding year to administer this chapter and such funds shall not lapse.

§ 321. Powers and duties of the Secretary of State

In order to carry out the purposes of this chapter, the Secretary of State shall have the following powers and duties.

1. Furnishing of forms. The Secretary of State shall furnish forms to persons required to register or file reports.

2. Availability of copying facilities. The Secretary of State shall make copying facilities available to the public during regular office hours and, notwithstanding any other provisions of law fixing the cost of such services, shall charge the actual cost of such services.

3. Filing of voluntary information. The Secretary of State may accept and file any information voluntarily supplied which exceeds the requirements of this chapter.

4. Preservation of registrations and reports. The Secretary of State shall preserve all registrations and reports filed pursuant to this chapter for 4 years from date of receipt and thereafter may dispose of same.

§ 322. Enforcement

The provisions of this chapter may be enforced by the Attorney General upon the request of the Secretary of State.

Effective July 29, 1976

CHAPTER 725

AN ACT to Establish a Potato Lien Law.

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

10 MRSA c. 606 is enacted to read:

CHAPTER 606

POTATO LIEN LAW

§ 3321. Purpose

The Legislature finds that the potato industry has a substantial and unique effect on the economy of the entire State and Aroostook County in particular. A large number of people in Maine are directly or indirectly dependent upon the potato industry. In the recent past, a number of potato producers have been very adversely affected by the failure of processors of potatoes to compensate producers for the raw product contracted and delivered to the processor. As a result, some producers have been forced out of business as a way of life and as a means of earning a livelihood.

The Legislature intends through this legislation to provide producers of potatoes with a limited guarantee of payment for the raw product contracted by and delivered to a processor. This legislation is designed to afford limited protection for producers and thereby promote the general welfare of the State which is dependent upon the potato industry and the producer.

§ 3322. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Commissioner. "Commissioner" shall mean the Commissioner of Agriculture.

2. Farm product or raw product. "Farm product or raw product" shall mean potatoes.

3. Finished product. "Finished product" shall mean any manufactured or processed form of potatoes.

4. Inventory. "Inventory" shall have the same meaning as defined in Title II, section 9-109, subsection (4).