

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

company acting as a depository of the State Government.

Sec. 2. Electronic transfer of cash assistance payments. By January 1, 1995, the Department of Human Services shall give recipients of all cash assistance programs the option of receiving the cash assistance through an electronic transfer of funds. Cash assistance programs include, but are not limited to, Aid to Families with Dependent Children, Additional Support for People in Retraining and Education and child support collection payments. The Department of Human Services shall phase in as soon as possible, but not later than July 1, 1995, the use of electronic transfer technology to reimburse municipalities for all general assistance money owed under the Maine Revised Statutes, Title 22, chapter 1161.

Sec. 3. Electronic transfer of retirement benefits. By January 1, 1995, the Maine State Retirement System shall make available payments to beneficiaries through electronic transfers of funds. Retirement beneficiaries who take advantage of the electronic transfer option do not receive a monthly statement of benefit transfers, but must receive at least an annual summary statement of benefits transferred and a statement whenever there is a change in their benefits.

Sec. 4. Automation of functions in the Department of Human Services. The Department of Human Services shall accept the highest possible federal match to implement enhanced computer technology in the Medicaid program that reduces to the greatest extent practicable paper claims from Medicaid providers and creates an instantaneous data base of Medicaid claims information. The Department of Human Services shall accept the highest possible federal match to automate eligibility functions in income maintenance programs. The Department of Human Services shall phase in these technological improvements as soon as possible and shall implement a single eligibility process for its income maintenance programs within 6 months of implementation of the technological improvements.

See title page for effective date.

CHAPTER 446

H.P. 1038 - L.D. 1390

An Act to Strengthen the Public Disclosure of Lobbying Activities

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. 3 MRSA §312-A, sub-§1, as enacted by PL 1983, c. 160, §1, is amended to read:

1. Campaign fund raising activity. "Campaign fund raising activity" means any event or solicitation by letter or any other means ~~which that~~ is held for the purpose of receiving contributions ~~or moneys~~ for a political party, political committee, political action committee, candidate for political office in any primary or election, any elected official or a referendum committee.

Sec. A-2. 3 MRSA §312-A, sub-§1-A is enacted to read:

1-A. Campaign contribution. "Campaign contribution" is a contribution, as defined in Title 21-A, section 1012, subsection 2.

Sec. A-3. 3 MRSA §312-A, sub-§4, as amended by PL 1987, c. 816, Pt. KK, §4, is further amended to read:

4. Compensation. "Compensation" means ~~money, service or anything of value or financial benefit which that~~ is received or to be received in return for, or in connection with, services rendered or to be rendered. ~~For purposes of the annual report filed pursuant to section 317, subsection 2, "compensation" includes any money, anything of value or any financial benefit received as a retainer by a lobbyist or the lobbyist's firm.~~

Sec. A-4. 3 MRSA §312-A, sub-§7, as enacted by PL 1983, c. 160, §1, is repealed and the following enacted in its place:

7. Expenditure. "Expenditure" means anything of value or any contract, promise or agreement to transfer anything of value, whether or not legally enforceable. Expenditure includes:

A. Any campaign contribution that is provided to a Legislator between the time a Legislator is sworn into office for the first regular session of the Legislature and the end of the second regular session;

B. A payment of compensation to a lobbyist by a person employing, retaining or contracting for the services of the lobbyist separately or jointly with other persons;

C. A payment for or in connection with soliciting or urging other persons to enter into direct communication with a public official.

Sec. A-5. 3 MRSA §312-A, sub-§9, as amended by PL 1987, c. 868, §2, 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.

Sec. A-6. 3 MRSA §312-A, sub-§10, as enacted by PL 1983, c. 160, §1, is amended to read:

10. 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 does 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 that individual is acting for the lobbyist in representing the employer a lobbyist associate.

Sec. A-7. 3 MRSA §312-A, sub-§§10-A and 10-B are enacted to read:

10-A. Lobbyist associate. “Lobbyist associate” means an individual who is a partner, associate, member or employee of a person employed for lobbying when that individual is acting for the lobbyist in representing the employer. If the lobbyist is an individual and engages in lobbying, that individual is also a lobbyist associate.

10-B. Media outlet. “Media outlet” means a radio or television station, a cable television system, newspapers, magazines and other published written materials.

Sec. A-8. 3 MRSA §312-A, sub-§12, as amended by PL 1985, c. 779, §4, is further amended to read:

12. Person. “Person” means an individual, business, corporation, proprietorship, joint stock company, business trust, syndicate, association, professional asso-

ciation, labor union, firm, partnership, club or other organization, whether profit or nonprofit, or any municipality or quasi-municipality or group of persons acting in concert, the University of Maine, the Maine Maritime Academy, the Maine Technical College System and compensated members or employees of boards and commissions listed in Title 5, chapter 379, but does not include this State; or any other agency of this State, the University of Maine System or the Maine Maritime Academy.

Sec. A-9. 3 MRSA §312-A, sub-§§14 and 15, as enacted by PL 1983, c. 160, §1, are amended to read:

14. Reimbursement. “Reimbursement” means any money or anything of value received or to be received as repayment for expenditures.

15. Year. “Year” means calendar year a 12-month period starting December 1st and ending the following November 30th.

Sec. A-10. 3 MRSA §312-A, sub-§§7-A, 11-A and 16 are enacted to read:

7-A. Immediate family. “Immediate family” means a person’s spouse and dependent children.

11-A. Original source. “Original source” means any person who contributes \$500 or more in any year directly or indirectly to any employer of a lobbyist.

16. Anything of value. “Anything of value” means, but is not limited to:

A. Negotiable items:

(1) Money;

(2) A bank bill or note;

(3) A stock, bond, note or other investment interest in an entity;

(4) A promissory note, bill of exchange, order, draft, warrant, check or bond given for the payment of money;

(5) An honorarium or compensation for services;

(6) The granting of a discount or rebate:

(a) Not extended to the public generally; or

(b) By a media outlet not extended equally to all candidates for the same office; and

(7) The sale or trade of something for reasonable compensation that is not available ordinarily to a member of the public;

B. Obligations:

(1) A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, pledge or transfer of money;

(2) A receipt given for the payment of money or other property;

(3) A right in action;

(4) A promise or offer of employment; and

(5) An interest in tangible goods or chattel;

C. Property. The retail or fair market value, whichever is greater, of:

(1) A work of art, an antique or a collectible;

(2) An automobile or other means of personal transportation;

(3) Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future interest contingent or vested in realty, a leasehold interest or other beneficial interest in realty; and

(4) Other tangible goods; and

D. Other goods or services. The retail or fair market value, whichever is greater, of:

(1) The purchase of tickets for an event such as a reception, rally or fund-raising event;

(2) A meal or lodging; and

(3) Any service not extended free of charge to other members of the public.

Sec. A-11. 3 MRSA §314, as amended by PL 1981, c. 82, §1, is further amended to read:

§314. Duration of registration

Each joint registration filed pursuant to this chapter shall automatically ~~expire~~ expire on the last day of the calendar year during which the person was registered to lobby, unless as otherwise provided. ~~Joint registrations filed in December of an even-numbered year shall~~

~~automatically expire on the last day of the following calendar year.~~

A joint registration ~~shall expire~~ expires if the employer notifies the Secretary of State in writing that the lobbyist is no longer engaged by the employer to lobby. If termination occurs prior to ~~December 31st~~ November 30th, the notification ~~shall must~~ be given within 30 days of the termination.

If termination is ~~affected~~ effected prior to ~~December 31st~~ November 30th, no further reports are required, except that the lobbyist and employer are required to file an annual report pursuant to 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 new registration ~~shall must~~ be filed pursuant to section 313 before any lobbying is commenced after the lobbyist's employment has been terminated.

Sec. A-12. 3 MRSA §315, as reenacted by PL 1975, c. 724, is amended to read:

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

1. Employers of lobbyists. An alphabetical listing of those persons who have employed a lobbyist, which listing ~~shall must~~ 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 must~~ 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 that~~ the termination by the employer, the fact of ~~such the~~ the termination and the date ~~thereof~~ of the termination ~~shall must~~ be entered under the name of both the employer and the lobbyist.

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

Sec. A-13. 3 MRSA §316, as reenacted by PL 1975, c. 724, is amended to read:

§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~~ must require the following information:

1. Names. ~~The name of the lobbyist, a list of the lobbyist associates, the name of the person authorized by the lobbyist to sign the registration and reports for the lobbyist and the name of the person employing such the 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~~ the lobbyist;

3. Date. The date upon which lobbying ~~was~~ commenced or ~~was~~ expected to be commenced commence;

4. Nature of business. A description of the nature of the business of the person employing ~~such~~ that lobbyist; and

5. Compensation. The amount of compensation ~~which~~ that the lobbyist will receive for ~~his~~ that lobbyist's services or, if an exact amount is unascertainable, the basis upon which the lobbyist will charge for ~~his~~ those services.

These forms ~~shall~~ must 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 that form is true, correct and complete.

Sec. A-14. 3 MRSA §317, as amended by PL 1989, c. 732, §1, is further amended to read:

§317. Reports

Reports required by this section ~~shall~~ must be on forms prescribed ~~or~~ approved by the Secretary of State. The forms ~~shall~~ must provide for a sworn statement that the persons signing the report acknowledge the truth and completeness of all the information contained therein.

1. Monthly session reports. During the period in which the Legislature is in session, every registered 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 the lobbyist's activities for the previous month regarding each employer.

Every lobbyist shall report ~~his~~ that lobbyist's lobbying activities for each month that the Legislature is in session, even if no lobbying has been performed or compensation or reimbursement for expenses received ~~for~~ the month. In the case of a lobbyist representing multiple employers, if no 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 report ~~shall~~ must contain the following information:

A. The month to which the report pertains;

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

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

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

In the case of a regular employee, the specific dollar amount ~~shall~~ 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 ~~which~~ 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~~ legislative branch, including members of the official's immediate family, ~~as defined in Title 1, section 1012, subsection 2;~~ and the amount, if any, ~~for~~ for which the lobbyist has been or expects to be reimbursed;

G. The name of ~~any~~ an official in the ~~Legislative Branch~~ legislative branch; or ~~their~~ a member of that official's immediate family; on whose behalf an expenditure; or expenditures; to-

taling \$25 or more ~~was were~~ made in one calendar month, 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 \$250 or more;

H. A list of each legislative action; by Legislative Document; or, if unknown, by Senate Paper; or House Paper number or, if unknown, by topic or nomination in connection with which the lobbyist is engaged in lobbying; and

I. A list specifically identifying each legislative action, Legislative Document, Senate Paper, House Paper or nomination for which the lobbyist was compensated; or expects to be compensated, or expended in excess of \$1,000 for lobbying activities related thereto to those actions and a statement of the amounts compensated or expended for each; and

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 the employer or person who contributes to an employer is a corporation formed under Titles 13 or 13-A, nonprofit corporation formed under Title 13-B or limited partnership under Title 31, the corporation, nonprofit organization or limited partnership, not the individual members or contributors, is listed as the original source.

2. Annual report. ~~On or before January 30th~~ Thirty days following the end of the year in which any person lobbied pursuant to section 313, the lobbyist and his the lobbyist's employer shall file with the Secretary of State a joint report which shall that must contain the information required in subsection 1, except that the report shall must summarize all lobbying activities for the calendar year and report in detail only those legislative actions not previously reported, as required by subsection 1, paragraphs H and I.

The report must include a separate listing of legislative actions for the calendar reported on pursuant to paragraphs H and I. The reports required by subsection 1 shall must be signed by the person designated by the lobbyist in section 316, subsection 1. The reports required by this subsection shall must be signed by both the lobbyist designated person and the employer.

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

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

3. Facsimile copies. The Secretary of State may, by rules adopted pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, establish procedures and fees by which facsimile copies of duly executed reports required by this section may be received and filed with the office of the Secretary of State.

4. Monthly nonsession reports. When the Legislature is not in regular session, every registered lobbyist must either file:

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

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

If the lobbyist did not expect to be engaged in lobbying when the Legislature was not in session, the Secretary of State may waive the requirement for the months between the end of the session and the renewal of lobbying.

Sec. A-15. 3 MRSA §319, sub-§1, as repealed and replaced by PL 1979, c. 632, §3, is amended to read:

1. Failure to file registration or report. Any person who fails to file a registration or report as required by this chapter ~~shall may~~ be assessed a fine of \$50-\$100 for every month the person fails to register or is delinquent in filing a report. The Secretary of State may waive the penalty in whole or in part if the Secretary of State determines the failure to register or report was due to mitigating circumstances.

Sec. A-16. 3 MRSA §320, as amended by PL 1981, c. 82, §2, is further amended to read:

§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~~ must go to the General Fund. The Secretary of State may use these fees to hire personnel to serve at his pleasure and to assist him in administering this chapter. All personnel hired to assist the Secretary

of State in administering this chapter serve at the pleasure of the Secretary of State.

~~The Secretary of State shall, no later than December 15th of the year prior to any proposed change, establish the amount of the registration fee required to be paid pursuant to section 313 for the subsequent year. 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.~~

Sec. A-17. 3 MRSA §321, sub-§7 is enacted to read:

7. Review reports for completeness. The Secretary of State may reject reports that are incomplete.

Sec. A-18. 3 MRSA §322, as reenacted by PL 1975, c. 725, is repealed and the following enacted in its place:

§322. Enforcement

1. Filing of a complaint. Any person may file a complaint with the Secretary of State specifying any alleged violation of this chapter. The Secretary of State may notify any named party in the complaint to request that they comply with the provisions of this chapter or request that the Attorney General investigate the complaint.

2. Attorney General. The Attorney General may enforce the provisions of this chapter upon request by the Secretary of State.

Sec. A-19. 5 MRSA §8052, sub-§5, as repealed and replaced by PL 1989, c. 574, §3, is amended to read:

5. Written statement adopted. At the time of adoption of any rule, the agency shall adopt a written statement explaining the factual and policy basis for the rule. The agency shall list the names of persons whose comments were received, including through testimony at hearings, the organizations the persons represent and summaries of their comments. The agency shall address the specific comments and concerns expressed about any proposed rule and state its rationale for adopting any changes from the proposed rule, failing to adopt the suggested changes or drawing findings and recommendations that differ from those expressed about the proposed rule.

A. If the same or similar comments or concerns about a specific issue ~~are~~ were expressed by different persons or organizations, the agency may synthesize these comments and concerns into a single comment that accurately reflects the meaning and intent of these comments and concerns to be addressed by the agency, listing the names of the persons who commented and the organizations they represent.

B. A rule may not be adopted unless the adopted rule is consistent with the terms of the proposed rule, except to the extent that the agency determines that it is necessary to address concerns raised in comments about the proposed rule, or specific findings are made supporting changes to the proposed rule. The agency shall maintain a file for each rule adopted that ~~shall~~ **must** include, in addition to other documents required by this Act, testimony, comments, the names of persons who commented and the organizations they represent and information relevant to the rule and considered by the agency in connection with the formulation, proposal or adoption of a rule. If an agency determines that a rule which it that the agency intends to adopt will be is substantially different from the proposed rule, it the agency shall request comments from the public concerning the changes from the proposed rule. The agency may not adopt the rule for a period of 30 days from the date comments are requested pursuant to this paragraph. Notice of the request for comments shall must be published by the Secretary of State in the same manner as notice for proposed or adopted rules.

Sec. A-20. Effective date. Sections 1 and 10 to 14 of this Part take effect on December 1, 1993.

PART B

Sec. B-1. 3 MRSA §312-A, sub-§2-A is enacted to read:

2-A. Commission. “Commission” means the Commission on Governmental Ethics and Election Practices as defined in Title 1, chapter 25.

Sec. B-2. 3 MRSA §312-A, sub-§10, as enacted by PL 1983, c. 160, §1, is amended to read:

10. 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 includes “associate lobbyist.” “Associate lobbyist” means an individual who is a partner, associate, member or employee of a partnership, firm, corporation or professional asso-

ciation ~~which that~~ has been employed for lobbying when that individual is acting for the lobbyist in representing the employer.

Sec. B-3. 3 MRSA §313, as amended by PL 1991, c. 465, §1, is further amended to read:

§313. Registration of lobbyists and employers

Any person acting as a lobbyist ~~or an associate lobbyist~~ and the person who employs that lobbyist shall jointly register at the office of the ~~Secretary of State commission~~ no later than 15 business days after the commencement of activities constituting lobbying and a fee, as determined by the ~~Secretary of State commission~~, must be paid for such joint registration. The fee must be at least \$200 for each lobbyist and \$100 for each associate lobbyist, and also must be at least as high as is required by section 320.

Sec. B-4. 3 MRSA §314, 2nd ¶, as enacted by PL 1979, c. 632, §1, is amended to read:

A joint registration ~~shall expire~~ expires if the employer notifies the ~~Secretary of State commission~~ in writing that the lobbyist is no longer engaged by the employer to lobby. If termination occurs prior to December 31st, the notification ~~shall must~~ be given within 30 days of the termination.

Sec. B-5. 3 MRSA §315, first ¶, as reenacted by PL 1975, c. 724, is amended to read:

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

Sec. B-6. 3 MRSA §316, first ¶, as reenacted by PL 1975, c. 724, is amended to read:

The ~~Secretary of State commission~~ 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~~ must include the following information:

Sec. B-7. 3 MRSA §317, first ¶, as enacted by PL 1979, c. 632, §2, is amended to read:

Reports required by this section ~~shall~~ must be on forms prescribed by the ~~Secretary of State commission~~. The forms ~~shall must~~ provide for a sworn statement that the persons signing the report acknowledge the truth and completeness of all the information contained therein.

Sec. B-8. 3 MRSA §317, sub-§1, as repealed and replaced by PL 1979, c. 632, §2, is amended by amending the first paragraph to read:

1. Monthly session reports. During the period in which the Legislature is in session, every registered lobbyist shall file with the ~~Secretary of State commission~~, no later than 15 calendar days subsequent to the conclusion of the preceding month, a report concerning the lobbyist's activities for the previous month regarding each employer.

Sec. B-9. 3 MRSA §317, sub-§2, as amended by PL 1987, c. 868, §1, is further amended by amending the first paragraph to read:

2. Annual report. On or before January 30th following the end of the year in which any person lobbied pursuant to section 313, the lobbyist and ~~his~~ the lobbyist's employer shall file with the ~~Secretary of State commission~~ a joint report ~~which shall that must~~ contain the information required in subsection 1, except that the report ~~shall must~~ summarize all lobbying activities for the calendar year and report in detail only those legislative actions not previously reported, as required by subsection 1, paragraphs H and I.

Sec. B-10. 3 MRSA §317, sub-§3, as enacted by PL 1989, c. 732, §1, is amended to read:

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

Sec. B-11. 3 MRSA §319, sub-§1, as repealed and replaced by PL 1979, c. 632, §3, is amended to read:

1. Failure to file registration or report. Any person who fails to file a registration or report as required by this chapter ~~shall be~~ is assessed a fine of ~~\$50~~ \$75.

Sec. B-12. 3 MRSA §319, sub-§1-A, as enacted by PL 1991, c. 465, §2, is amended to read:

1-A. Notice of suspension. Any person who fails to file a report or pay a fee as required by this chapter may be suspended from further lobbying by written notice of the ~~Secretary of State commission~~ until such failure is corrected.

Sec. B-13. 3 MRSA §319, sub-§3, as enacted by PL 1989, c. 114, is amended to read:

3. Exemption. Notwithstanding section 317, subsection 1, a registered lobbyist is exempt from the penalty imposed under this section if, while the Legislature is convened in special session, the lobbyist failed to file a report with the ~~Secretary of State~~ commission pursuant to section 317 ~~provided that if~~ no lobbying has been performed during that special session.

Sec. B-14. 3 MRSA §320, as amended by PL 1993, c. 410, Pt. M, §1, is further amended to read:

§320. Disposition of fees

All fees collected pursuant to this chapter must be deposited as General Fund undedicated revenue.

The ~~Secretary of State~~ commission shall, no later than December 15th of the year prior to any proposed change, establish the amount of the registration fee required to be paid pursuant to section 313 for the subsequent year.

Sec. B-15. 3 MRSA §321, as amended by PL 1989, c. 732, §2, is further amended to read:

§321. Powers and duties of the Secretary of State

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

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

2. Availability of copying facilities. The ~~Secretary of State~~ commission 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~~ commission may accept and file any information voluntarily supplied ~~which~~ that exceeds the requirements of this chapter.

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

5. Acceptance or rejection of forms. The ~~Secretary of State~~ commission may prescribe forms for all documents required or permitted to be filed with the office of the Secretary of State and may refuse to accept documents not filed on those forms.

6. Refusal of filing. The ~~Secretary of State~~ commission may refuse to accept any document that is not legible or that ~~may~~ can not be clearly reproduced photographically.

Sec. B-16. 3 MRSA §322, as reenacted by PL 1975, c. 724, is amended to read:

§322. Enforcement

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

Sec. B-17. Transition provisions.

1. The Commission on Governmental and Election Practices, referred to in this section as the "commission," is the successor in every way to the powers, duties and functions of the lobbyist registration function previously administered by the Secretary of State, referred to in this section as the "function."

2. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, all accrued expenditures, assets, liabilities, balances or appropriations, allocations, transfers, revenues or other available funds in an account or subdivision of an account of the Secretary of State relating to the function must be transferred to the proper accounts by the State Controller upon the request of the State Budget Officer and with the approval of the Governor.

3. All existing rules and procedures in effect, in operation or adopted by the Secretary of State with respect to the function are hereby declared in effect and continue in effect until rescinded, revised or amended by the commission.

4. All existing contracts, agreements and compacts currently in effect with respect to the function in the Department of the Secretary of State continue in effect.

5. All records, property and equipment previously belonging to or allocated for the use of the Secretary of State with respect to the function become, on the effective date of this Part, part of the property of the commission.

Sec. B-18. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1993-94

1994-95

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Commission on Governmental
Ethics and Election Practices

Positions - Legislative Count	(1.0)	(1.0)
Personal Services	\$39,250	\$38,357
All Other	9,725	9,966

Provides funds for a lobbyist registrar position and related general operating expenses.

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES TOTAL	\$48,975	\$48,323
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective July 13, 1993, unless otherwise indicated.

CHAPTER 447

S.P. 268 - L.D. 805

An Act to Clarify Maine Election Laws

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 21-A MRSA §1, sub-§20, as enacted by PL 1985, c. 161, §6, is amended to read:

20. Immediate family. "Immediate family" means a person's spouse, parent, child, sister or brother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian or former guardian.

Sec. 2. 21-A MRSA §158, as amended by PL 1985, c. 614, §12, is further amended to read:

§158. Municipal caucus

The registrar or board of registration shall meet in session on the day of official party caucuses at times designated by the municipal officers for at least one hour preceding the commencement of the party caucus at the location where the party caucus is being held to accept registrations and enrollments and all persons so registered and enrolled may participate in their party caucus.

Sec. 3. 21-A MRSA §363, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

The meeting of a political committee as required by sections 371, 373, ~~374~~ 374-A, 381, 382 and 393 is governed by the following provisions.

Sec. 4. 21-A MRSA §374-A, sub-§1, ¶A, as enacted by PL 1989, c. 341, §2, is amended to read:

A. Withdraws on or before 5 p.m. of the first 2nd Monday in ~~August~~ July preceding the general election;

Sec. 5. 21-A MRSA §374-A, sub-§2, ¶A, as enacted by PL 1989, c. 341, §2, is amended to read:

A. No later than 5 p.m. of the ~~3rd~~ 4th Monday in ~~August~~ July preceding the general election for a candidate who has withdrawn in accordance with subsection 1, paragraph A; or

Sec. 6. 21-A MRSA §384, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

The municipal officers ~~shall~~ may appoint a qualified person to fill a vacancy in the office of any election official.

Sec. 7. 21-A MRSA §406, first ¶, as enacted by PL 1987, c. 797, §2, is amended to read:

If a party chooses to participate in a presidential primary election under this chapter, delegates to national presidential nominating conventions ~~shall~~ must be nominated or selected in accordance with party rules by the state parties meeting in convention under subchapter I, article H, ~~at any time after the presidential primary~~ III.

Sec. 8. 21-A MRSA §502, as enacted by PL 1985, c. 161, §6, is amended to read:

§502. Duties and vacancies — warden and ward clerk

In the event of a vacancy in the office of warden or in the absence or incapacity of the warden, the ward clerk may perform the duties of the warden. A vacancy in the office of ward clerk ~~shall~~ must be filled by an election clerk appointed by the warden. This Except when an election to the position of ward clerk is nonpartisan and no party affiliation is required, an election clerk appointed by the warden must be enrolled in the same political party as the ward clerk and shall serve as ward clerk pro tem.

Sec. 9. 21-A MRSA §504, sub-§3, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. This subsection does not apply to a candidate for warden or ward clerk or ~~his spouse, parents, children, sister or brother~~ the immediate family of the candidate for warden or ward clerk.