

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

B. When the Department of Human Services is a party to the action and the department consents to the dismissal with prejudice.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 691

H.P. 1380 - L.D. 1867

### An Act to Correct Certain Inconsistencies in the Laws Relating to the Commission on Governmental Ethics and Election Practices

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

**Sec. 1. 1 MRSA §1008, sub-§2**, as amended by PL 1989, c. 561, §2, is further amended to read:

**2. Election practices.** To administer and investigate any violations of the requirements for campaign reports and campaign financing and to investigate and make findings of fact and opinion on the final determination of the results, within the limits of the Constitution of Maine and the Constitution of the United States, of any contested count, state or federal election within this State; ~~and~~

**Sec. 2. 1 MRSA §1008, sub-§3**, as enacted by PL 1989, c. 561, §3, is amended to read:

**3. Ethics seminar.** To conduct, in conjunction with the Attorney General and the Chair of the Legislative Council or their designees, an ethics seminar for Legislators after the general election and before the convening of the Legislature, in every even-numbered year. The Attorney General shall provide each Legislator with a bound compilation of the laws of this State pertaining to legislative ethics and conduct; and

**Sec. 3. 1 MRSA §1008, sub-§4** is enacted to read:

**4. Lobbyist activities.** To administer the lobbyist disclosure laws, Title 3, chapter 15.

**Sec. 4. 3 MRSA §312-A, sub-§7, ¶A**, as enacted by PL 1993, c. 446, Pt. A, §4, is repealed.

**Sec. 5. 3 MRSA §312-A, sub-§10**, as amended by PL 1993, c. 446, Pt. A, §6 and Pt. B, §2, is repealed and the following enacted in its place:

**10. Lobbyist.** "Lobbyist" means any person who is specifically employed by another person for the purpose of and who engages in lobbying in excess of 8

hours in any calendar month, or any individual 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" does not include a lobbyist associate.

**Sec. 6. 3 MRSA §312-A, sub-§10-A**, as enacted by PL 1993, c. 446, Pt. A, §7, is repealed and the following enacted in its place:

**10-A. Lobbyist associate.** "Lobbyist associate" means an individual who:

A. Is a partner, associate or employee of a lobbyist or is a coemployee of a regular employee of another person if that regular employee is registered as a lobbyist;

B. Lobbies on behalf of the employer named on the lobbyist registration; and

C. Expends more than 8 hours in any calendar month lobbying on behalf of an employer of the lobbyist.

**Sec. 7. 3 MRSA §312-A, sub-§11-A**, as enacted by PL 1993, c. 446, Pt. A, §10 and affected by §20, is repealed and the following enacted in its place:

**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, except that contributions of membership dues to nonprofit corporations formed under Title 13-B, any equivalent state law or by legislative enactment are not considered contributions by an original source.

**Sec. 8. 3 MRSA §312-A, sub-§12**, as amended by PL 1993, c. 446, Pt. A, §8, is further amended to read:

**12. Person.** "Person" means an individual, corporation, proprietorship, joint stock company, business trust, syndicate, association, professional association, 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.

**Sec. 9. 3 MRSA §312-A, sub-§17** is enacted to read:

**17. State employee or state agency employee.** "State employee or state agency employee" means

employees of the executive branch, the judicial branch, the Department of the Attorney General, the Department of Secretary of State, the Department of the Treasurer and any employee who directly or indirectly represents an entity listed in Title 5, chapter 379.

**Sec. 10. 3 MRSA §313**, as amended by PL 1993, c. 446, Pt. B, §3, is repealed and the following enacted in its place:

**§313. Registration of lobbyist and employers**

Every employer of a lobbyist and every lobbyist and lobbyist associate who lobbies on behalf of that employer shall register jointly at the office of the commission no later than 15 business days after commencement of lobbying and pay a registration fee determined by the commission. The fee must be at least \$200 for the registration of each lobbyist and at least \$100 for the registration of each lobbyist associate.

**Sec. 11. 3 MRSA §313-A** is enacted to read:

**§313-A. Registration of state employees or state agency employees**

Within 5 days of the convening of a regular legislative session, a state employee or an independent agency employee must register at the office of the commission as described in section 316-A if:

**1. Legislative designee.** The employee is designated by the head of a department or agency to serve as the primary legislative designee for that department or agency; and

**2. Lobbying requirements.** The job description of the employee contains lobbying requirements.

An employee registering under this section is exempt from all other requirements under the law regarding lobbyists.

**Sec. 12. 3 MRSA §314, 2nd ¶**, as amended by PL 1993, c. 446, Pt. A, §11, affected by §20 and amended by Pt. B, §4, is repealed and the following enacted in its place:

A joint registration expires if the employer notifies the commission in writing that the lobbyist is no longer engaged by the employer to lobby. If termination occurs prior to November 30th, the notification must be given within 30 days of the termination.

**Sec. 13. 3 MRSA §314, 3rd ¶**, as amended by PL 1993, c. 446, Pt. A, §11 and affected by §20 and corrected by RR 1993, c. 1, §1, is repealed and the following enacted in its place:

If termination is effected prior to 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.

**Sec. 14. 3 MRSA §315, first ¶**, as amended by PL 1993, c. 446, Pt. A, §12, affected by §20 and amended by Pt. B, §5, is repealed and the following enacted in its place:

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

**Sec. 15. 3 MRSA §315, last ¶**, as amended by PL 1993, c. 446, Pt. A, §12 and affected by §20, is further amended to read:

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

**Sec. 16. 3 MRSA §316, first ¶**, as amended by PL 1993, c. 446, Pt. A, §13, affected by §20 and amended by Pt. B, §6, is repealed and the following enacted in its place:

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

**Sec. 17. 3 MRSA §316-A** is enacted to read:

**§316-A. Registration forms for state employees or state agency employees**

The commission shall prepare and make available registration forms for the registration of state employees or state agency employees required to

register pursuant to section 313-A. These forms must include the following information:

**1. Names.** The name of the employee and the department or agency the employee is representing; and

**2. Position description.** A position description.

These forms must be signed by the employee and the signature serves as a certificate that the information on that form is true, correct and complete.

**Sec. 18. 3 MRSA §317, first ¶**, as amended by PL 1993, c. 446, Pt. A, §14, affected by §20 and amended by Pt. B, §7, is repealed and the following enacted in its place:

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

**Sec. 19. 3 MRSA §317, sub-§1, ¶G**, as amended by PL 1993, c. 446, Pt. A, §14 and affected by §20, is repealed and the following enacted in its place:

G. The name of an official in the legislative branch or a member of that official's immediate family on whose behalf an expenditure or expenditures totaling \$25 or more were made in any one calendar month and the date, amount and purpose of the expenditure or expenditures.

**Sec. 20. 3 MRSA §317, sub-§2**, as amended by PL 1993, c. 446, Pt. A, §14, affected by §20 and amended by Pt. B, §9, is repealed and the following enacted in its place:

**2. Annual report.** Thirty days following the end of the year in which any person lobbied pursuant to section 313, the lobbyist and the lobbyist's employer shall file with the commission a joint report that must contain the information required in subsection 1, except that the report must summarize all lobbying activities for the 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 must be signed by the person designated by the lobbyist in section 316, subsection 1. The reports required by this subsection must be signed by both the 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 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 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.

**Sec. 21. 3 MRSA §317, sub-§4**, as enacted by PL 1993, c. 446, Pt. A, §14 and affected by §20, is amended to read:

**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~~ commission may waive the requirement for the months between the end of the session and the renewal of lobbying.

**Sec. 22. 3 MRSA §319, sub-§1**, as amended by PL 1993, c. 446, Pt. A, §15 and Pt. B, §11, is repealed and the following enacted in its place:

**1. Failure to file registration or report.** Any person who fails to file a registration or report as required by this chapter may be assessed a fine of \$100 for each person listed or who should have been listed on the lobbyist registration for every month the person fails to register or is delinquent in filing a report pursuant to section 317. The commission may waive the penalty in whole or in part if the commission determines the failure to register or report was due to mitigating circumstances.

**Sec. 23. 3 MRSA §320**, as amended by PL 1993, c. 410, Pt. M, §1 and c. 446, Pt. A, §16 and Pt. B, §14, is repealed and the following enacted in its place:

**§320. Disposition of fees**

All fees collected pursuant to this chapter must go to the General Fund.

The commission shall, no later than November 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. 24. 3 MRSA §321, sub-§5**, as amended by PL 1993, c. 446, Pt. B, §15, is further amended to read:

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

**Sec. 25. 3 MRSA §321, sub-§7**, as enacted by PL 1993, c. 446, Pt. A, §17, is amended to read:

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

**Sec. 26. 3 MRSA §322**, as repealed and replaced by PL 1993, c. 446, Pt. A, §18 and amended by Pt. B, §16, is repealed and the following enacted in its place:

**§322. Enforcement**

**1. Filing of a complaint.** Any person may file a complaint with the commission specifying any alleged violation of this chapter. The commission may notify any named party in the complaint to request that the party comply with the provisions of this chapter or may 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 commission.

**Sec. 27. Fees; report.** Notwithstanding any other provision of law to the contrary, persons who registered or would have been required to register as lobbyist associates in fiscal year 1993-94 and pay a fee of \$100 shall pay a fee of \$100 for fiscal year 1994-95. All other lobbyist associates and lobbyists shall pay a fee of \$200 for fiscal year 1994-95. The Commission on Governmental Ethics and Election Practices shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by April 1, 1995 on the number of lobbyists and lobbyist associates registered

and the amount of fees collected under the Maine Revised Statutes, Title 3, section 313.

See title page for effective date.

**CHAPTER 692**

H.P. 1355 - L.D. 1821

**An Act to Develop Standards for the  
Licensure of Hospice Programs**

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

**Sec. 1. 22 MRSA c. 1681** is enacted to read:

**CHAPTER 1681****LICENSING OF HOSPICE PROGRAMS****SUBCHAPTER I****LICENSING OF REIMBURSED HOSPICE  
PROGRAMS****§8621. Definitions**

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

**1. Bereavement services.** "Bereavement services" means emotional support services related to the death of a family member, including, but not limited to, counseling, provision of written material, social reorientation and group support for up to one year following the death of the client who was terminally ill. Bereavement services must be consistent with the bereavement care plan.

**2. Care plan.** "Care plan" means a written service delivery plan that the interdisciplinary team, in conjunction with the client, shall develop to reflect the changing care needs of the client. A care plan must specify what hospice services are needed and how they will be delivered.

**3. Client.** "Client" means the person who is receiving the hospice services.

**4. Council.** "Council" means the Maine Hospice Council established by section 8611.

**5. Direct service provider.** "Direct service provider" means employees or volunteers who provide hospice services directly to a client.