

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON
VETERANS AND LEGAL AFFAIRS**

November 2020

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129TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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residents via advance deposit wagering before payment of money to winning bettors.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1837 Resolve, Regarding Legislative Review of Chapter 1: Adult Use ONTP
Marijuana, a Late-filed Major Substantive Rule of the Department of
Administrative and Financial Services, Office of Marijuana Policy

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve provides for legislative review of Chapter 1: Adult Use Marijuana, a major substantive rule of the Department of Administrative and Financial Services, office of marijuana policy that was filed outside the legislative rule acceptance period. This resolve was incorporated into LD 719, An Act Regarding Adult Use Marijuana, which was voted by the Joint Standing Committee on Veterans and Legal Affairs during the First Regular Session of the 129th Legislature and which was enacted by the Legislature that same session as Public Law 2019, chapter 491.

LD 1867 An Act To Clarify Lobbyist Reporting Requirements and Simplify PUBLIC 587
Registration Requirements for State Employees Who Lobby on Behalf
of a State Department or Agency

<u>Sponsor(s)</u> LUCHINIL	<u>Committee Report</u> OTP-AM ONTP	<u>Amendments Adopted</u> S-389
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This bill, submitted by the Commission on Governmental Ethics and Election Practices, makes the following changes to the laws governing lobbyist registration and reporting.

1. It defines "lobbying firm" to mean a partnership, corporation, limited liability company or unincorporated association that employs or contracts with more than one lobbyist or lobbyist associate and that receives or is entitled to receive compensation for engaging in lobbying either directly or through its employees.
2. It changes the deadline for lobbyist registration to 15 business days after the lobbyist engages in more than eight hours of compensated lobbying a month but authorizes lobbyists who register before this date to indicate on the registration form that they have not yet exceeded the eight-hour-per-month threshold for registration.
3. Current law requires a lobbyist to report on the registration form the date that the lobbyist completed the required annual harassment training; the bill permits the lobbyist to instead report the date that the lobbyist requested an extension to complete or an exemption from completing the training requirement under applicable law. The bill also extends the requirement to attend annual harassment training to lobbyist associates.
4. It makes several changes to the requirement that a lobbyist file monthly reports with the commission during the legislative session, including by eliminating the requirement that reports be made under oath; requiring the lobbyist to report not only compensation actually received by the lobbyist but also the compensation received by lobbyist

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associates and the compensation these individuals expect to receive for lobbying during the month; requiring the lobbyist to report lobbying expenditures for which the lobbyist expects to be reimbursed by an employer that were made or incurred not only by the lobbyist but also by lobbyist associates; and expanding the requirement that a lobbyist identify each legislative action for which the lobbyist was or expects to be compensated during the month to include the activities of lobbyist associates.

5. It newly requires that a lobbyist submit a separate report if the lobbyist and the lobbyist's associates or lobbying firm expend more than \$300 in a month directly to or on behalf of covered officials or the immediate family of covered officials and the expenditures were not made on behalf of or expected to be reimbursed by a lobbyist employer.

6. Under current law, a lobbyist must file a report with the commission when the Legislature is not in session during any month in which the lobbyist is engaged in lobbying. The bill amends the non-session reporting requirement to include months in which the lobbyist or the lobbyist's employer is engaged in indirect lobbying or the employer makes expenditures directly to or on behalf of covered officials or their immediate family members.

The bill also amends the definition of "legislative designee," the term used to describe an employee of a state department or agency who must register with the commission, to include both an individual designated as the primary employee to lobby for the department or agency and an individual expected to lobby on behalf of the department or agency for more than 10 hours in a legislative session but to exclude an individual whose only lobbying-related duty is monitoring legislation. The bill also streamlines the process for registration of legislative designees by authorizing each department or agency to submit a single list to the commission rather than separate forms signed by each legislative designee.

The bill has an effective date of December 1, 2020.

Committee Amendment "A" (S-389)

This amendment, which is the majority report of the committee, makes several changes to the law governing lobbyist registration forms. It allows lobbyists, who are authorized in limited circumstances under current law to request an extension to complete or an exemption from completing required harassment training, to request the extension or exemption on the registration form. It also requires that the date each lobbyist associate completed the harassment training be listed on the registration form or, if the training has not been completed, allows the lobbyist to request for the lobbyist associate an extension to complete or exemption from completing the required harassment training on the registration form.

The amendment repeals and replaces the definition of "lobbying firm" in the law governing campaign contributions by lobbyists, lobbyist associates and lobbying firms, which was recently enacted in Public Law 2019, chapter 534, to align it with the bill's definition. It also makes several technical amendments to the bill.

Enacted Law Summary

Public Law 2019, chapter 587 makes the following changes to the laws governing lobbyists.

1. It defines "lobbying firm" for purposes of the laws governing lobbyist registration and reporting to mean a partnership, corporation, limited liability company or unincorporated association that employs or contracts with more than one lobbyist or lobbyist associate and that receives or is entitled to receive compensation for engaging in lobbying either directly or through its employees. It also replaces the definition of "lobbying firm" in the laws governing campaign contributions by lobbyists, lobbyist associates and lobbying firms with this new definition of "lobbying firm."

2. It changes the deadline for lobbyist registration to 15 business days after the lobbyist engages in more than eight hours of compensated lobbying a calendar month but authorizes lobbyists who register before this date to indicate

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on the registration form that they have not yet exceeded the eight-hour-per-calendar-month threshold for registration.

3. It requires lobbyist associates to take the same annual harassment training required of lobbyists and further permits lobbyists and lobbyist associates to request on the annual registration form an extension to complete or an exemption from completing this required training under the limited circumstances authorized under existing law.
4. It makes several changes to the requirement that a lobbyist file monthly reports with the Commission on Governmental Ethics and Election Practices during the legislative session, including by eliminating the requirement that reports be made under oath; requiring the lobbyist to report not only compensation actually received by the lobbyist but also the compensation received by lobbyist associates and the compensation these individuals expect to receive for lobbying during the month; requiring the lobbyist to report lobbying expenditures for which the lobbyist expects to be reimbursed by an employer that were made or incurred not only by the lobbyist but also by lobbyist associates; and expanding the requirement that a lobbyist identify each legislative action for which the lobbyist was or expects to be compensated during the month to include the activities of lobbyist associates.
5. It newly requires that a lobbyist submit a separate report if the lobbyist and the lobbyist's associates or lobbying firm expend more than \$300 in a month directly to or on behalf of covered officials or the immediate family of covered officials and the expenditures were not made on behalf of or expected to be reimbursed by a lobbyist employer.
6. It expands the requirement that a lobbyist file a report with the commission when the Legislature is not in session during any month in which the lobbyist or lobbyist associates are engaged in lobbying to include months in which the lobbyist, lobbyist associates or the lobbyist's employer is engaged in indirect lobbying or the employer makes expenditures directly to or on behalf of covered officials or their immediate family members.

Public Law 2019, chapter 587 also amends the definition of "legislative designee," the term used to describe an employee of a state department or agency who must register with the commission, to include both an individual designated as the primary employee to lobby for the department or agency and an individual expected to lobby on behalf of the department or agency for more than 10 hours in a legislative session but to exclude an individual whose only lobbying-related duty is monitoring legislation. The bill also streamlines the process for registration of legislative designees by authorizing each department or agency to submit a single list to the commission rather than separate forms signed by each legislative designee.

Public Law 2019, chapter 587 has an effective date of December 1, 2020.

LD 1868 An Act To Improve the Reporting of Grassroots Lobbying

PUBLIC 599

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINIL	OTP-AM ONTP	S-397

The bill, submitted by the Commission on Governmental Ethics and Election Practices, changes from "indirect lobbying" to "grassroots lobbying" the term used to describe communicating with members of the public and soliciting them to contact public officials for purposes of influencing legislative action. It also changes the types of communications with the public that qualify as grassroots lobbying to newly include communications made via telephone, over email, through a website, or through another digital format but to exclude a corporation's or organization's communications with its stockholders, employees, board members, officers and dues-paying members.