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An Act To Amend the Laws Governing Lobbyist Disclosure

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

Sec. 1. 3 MRSA §312-A, sub-§7, as amended by PL 1993, c. 691, §4, is further amended to read:

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:

~~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. 2. 3 MRSA §312-A, sub-§7-A, as enacted by PL 1993, c. 446, Pt. A, §10 and affected by §20, is amended to read:

7-A. Immediate family. "Immediate family" means a person's spouse or domestic partner as defined in Title 22, section 2710, subsection 2 and dependent children.

Sec. 3. 3 MRSA §313-A, sub-§2, as enacted by PL 1993, c. 691, §11, is repealed and the following enacted in its place:

2. Lobbying requirements. The employee engages or intends to engage in lobbying in excess of 8 hours in any calendar month.

Sec. 4. 3 MRSA §315, as amended by PL 1993, c. 691, §§14 and 15, is repealed.

Sec. 5. 3 MRSA §315-A, sub-§2, as enacted by PL 2005, c. 613, §1, is amended to read:

2. Disclosure website. The commission shall develop and maintain a publicly accessible website that displays:

A. A list of all persons who have employed a lobbyist during the current year;

B. A list of all lobbyists and lobbyist associates registered for the year;

C. A profile of each registered lobbyist and lobbyist associate, including contact information, the name of the lobbyist's employer or employers and, if provided by the lobbyist or lobbyist associate, a photograph of the lobbyist or lobbyist associate;

D. A profile of each person employing a lobbyist, including contact information for the employer, and a list of lobbyists and lobbyist associates engaged by the employer; and

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

F. An online photographic guide to registered lobbyists and lobbyist associates organized by each joint standing committee of the Legislature that the lobbyists and lobbyist associates have designated in accordance with section 316, subsection 4-B.

Sec. 6. 3 MRSA §316, as amended by PL 1993, c. 691, §16, is further amended to read:

§ 316. Registration forms

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:

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 the lobbyist;

2. Business addresses. The business address of both and other contact information for the lobbyist, the lobbyist associates and the person employing the lobbyist;

2-A. Photographs. Photographs of the lobbyist and lobbyist associates, unless the photographs have been provided previously or the commission has granted a waiver of this requirement for security or other reasons;

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

4. Nature of business. A description of the nature of the business of the person employing that lobbyist; and employer's business activity or mission or a description of the industry, trade or profession that the employer represents;

4-A. Legislative interests. The general areas of legislation that the employer is attempting to influence;

4-B. Legislative committees. The joint standing committees of the Legislature that the lobbyist expects to lobby during the year;

4-C. Website of employer. The address for the employer's publicly accessible website; and

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

~~These forms must be signed by both the lobbyist and the employer and the signatures serve as a certificate~~The lobbyist must certify that the information on that form is true, correct and complete and that the employer has approved the information in the registration.

Sec. 7. 3 MRSA §316-A, as enacted by PL 1993, c. 691, §17, is amended 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, business address and contact information of the employee and the department or agency the employee is representing and the address for the publicly accessible website of the department or agency the employee is representing; and

2. Position description. A position description;

3. Description of agency. A description of the department or agency the employee is representing, its jurisdiction and its activities;

4. Legislative interests. The general subject areas of legislation that the department or agency is attempting to influence; and

5. Photograph. A photograph of the employee, unless one has been provided previously or the commission has granted a waiver of this requirement for security or other reasons.

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. 8. 3 MRSA §321, sub-§8 is enacted to read:

8. Investigations. The commission may undertake audits and investigations to determine the facts concerning the registration and reporting of lobbyists and their employers. In order to undertake audits and investigations in accordance with this subsection, the commission may subpoena witnesses and records and take evidence under oath.

SUMMARY

This bill makes changes to the laws regarding lobbyist disclosure procedures. It eliminates from the definition of "expenditure" compensation paid to a lobbyist and the costs of so-called "grass roots" lobbying. It adds the term "domestic partner" in the definition of "immediate family." It broadens the requirement that state employees who influence legislation register with the Commission on Governmental Ethics and Election Practices. It repeals the Maine Revised Statutes, Title 3, section 315, the substance of which is retained in section 315-A. It requires the commission to publish an online photographic guide to lobbyists organized by legislative committee and requires that lobbyists submit photographs unless the lobbyists have waivers from the commission. It requires lobbyists to submit

additional information about their employers when they register. It provides the commission authority to audit and investigate information contained in lobbyists' and employers' registrations and reports and grants the commission subpoena power to accomplish this.