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

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

Sec. 1. 3 MRSA §170-B, as amended by PL 2019, c. 41, §1, is further amended to read:

§ 170-B. Required training regarding harassment

All Legislators, legislative staff ~~and~~, lobbyists and lobbyist associates shall attend and complete a course of in-person education and training regarding harassment, including, but not limited to, sexual harassment and racial harassment, at the beginning of each regular session of the Legislature. The Legislative Council shall develop and implement this course of education and training. For the purpose of this section, "lobbyist" ~~has and~~ "lobbyist associate" ~~have~~ the same ~~meaning~~ meanings as in section 312-A, ~~subsections~~ subsections 10 and 10-A, respectively.

Sec. 2. 3 MRSA §312-A, sub-§8-A, as enacted by PL 2007, c. 630, §5, is amended to read:

8-A. Legislative designee. "Legislative designee" means any employee of a state department or agency who is ~~directed~~ designated by the head of the department or agency as the primary employee to lobby or monitor legislation on behalf of the department or agency or who is reasonably expected to lobby on behalf of the department or agency for more than 10 hours during a legislative session. "Legislative designee" includes an employee who is reasonably expected to lobby or monitor legislation on behalf of the department or agency for more than 20 hours during the session. For the purposes of this subsection, "monitoring legislation" ~~means attending legislative hearings and sessions regarding a legislative action.~~

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

9-A. Lobbying firm. "Lobbying firm" means 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.

Sec. 4. 3 MRSA §312-A, sub-§11-A, as amended by PL 2009, c. 282, §2, is further amended to read:

11-A. Original source. "Original source" means any person who ~~contributes or~~ pays \$1,000 or more in any lobbying year directly or indirectly to any employer of a lobbyist for purposes of lobbying or indirect lobbying, except that ~~contributions~~ payments of membership dues to nonprofit corporations formed under Title 13-B, under any equivalent state law or by legislative enactment are not considered ~~contributions~~ payments by an original source.

Sec. 5. 3 MRSA §312-B, as enacted by PL 2017, c. 443, §2, is amended to read:

§ 312-B. Required training regarding harassment

A lobbyist or lobbyist associate shall complete the training required under section 170-B, retain proof of completion of the training for 2 years following completion and certify completion of that training to the commission at the time of registration under section 313. If completion of the required training prior to registration is not possible due to circumstances that are beyond a lobbyist's or lobbyist associate's control, the commission may provide a limited extension to that lobbyist or lobbyist associate for completion of the training. If a lobbyist or lobbyist associate has a very limited physical presence in the State House and the Burton M. Cross Building, the commission may exempt the lobbyist or lobbyist associate from the requirements of this section.

Sec. 6. 3 MRSA §313, as amended by PL 1999, c. 745, §1, is further amended to read:

§ 313. Registration of lobbyists, lobbyist associates 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~~ A lobbyist shall submit a joint registration for the lobbyist and any lobbyist associates and the employer of that lobbyist with the commission no later than 15 business days after commencement of lobbying more than 8 hours in a month and pay a registration fee of \$200 for the registration of each lobbyist and \$100 for the registration of. For each lobbyist associate or such other amounts as the commission determines approximate the cost to the commission of administering and enforcing the provisions of this chapter included in the registration, the lobbyist shall pay an additional \$100 fee.

Sec. 7. 3 MRSA §313-A, as amended by PL 2007, c. 630, §9, is further amended to read:

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

Within 15 business days of the convening of a regular legislative session, a department or agency shall register with the commission as described in section 316-A those officers or state employees or state agency employees who will serve as the department's or agency's legislative designees for the session by submitting to the commission a list that must include the name and position of each employee, the name of the department or agency and the name of the bureau or division within the department for which each employee works and the mailing address, e-mail address and phone number of each employee. The department or agency shall file an updated registration form later in the session containing notify the commission in writing of any changes of its designees within 15 business days of the change.

An employee who is required to be registered under this section is exempt from all other requirements under the law regarding lobbyists.

Sec. 8. 3 MRSA §316, sub-§3, as amended by PL 1993, c. 446, Pt. A, §13 and affected by §20, is further amended to read:

3. Date. The date upon which lobbying commenced and the date on which the lobbyist exceeded 8 hours of lobbying in a month or was expected to commence a statement that the lobbyist is registering without having reached the 8-hour threshold for registering pursuant to section 313;

Sec. 9. 3 MRSA §316, sub-§4-D, as enacted by PL 2017, c. 443, §4, is amended to read:

4-D. Date of completion or extension of or exemption from required harassment training. The date that the lobbyist completed the training required under section 170-B or requested an extension or exemption pursuant to section 312-B; and

Sec. 10. 3 MRSA §316-A, as amended by PL 2015, c. 267, Pt. F, §2, is repealed.

Sec. 11. 3 MRSA §317, first ¶, as repealed and replaced by PL 1993, c. 691, §18, is repealed and the following enacted in its place:

A registered lobbyist shall file a report for each month that the Legislature is in session on forms prescribed or approved by the commission, even if no lobbying has been performed or compensation or reimbursement for expenses received for the month.

Sec. 12. 3 MRSA §317, sub-§1, as amended by PL 2009, c. 282, §§4 and 5, is further amended to read:

1. Monthly session reports. During the period in which the Legislature is in session, every registered lobbyist shall file with the commission, no later than 11:59 p.m. on the 15th calendar day of each month, a report concerning the lobbyist's activities for the previous month regarding each employer.

~~Every lobbyist shall report 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 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~~total amount of compensation the lobbyist and lobbyist associates received or expect to receive for lobbying activities, ~~as defined in section 312-A, subsection 9~~, during the month. The amount of compensation ~~received~~ for lobbying officials in the legislative branch, officials in the executive branch and constitutional officers must be reported separately.

In the case of a lobbyist or lobbyist associate who is a regular employee of the employer, the ~~specific dollar~~ amount of compensation 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~~total amount of expenditures made or incurred by the lobbyist and lobbyist associates during the month ~~that is the subject of the report~~ for purposes of lobbying as ~~defined in section 312-A, subsection 9~~ for which ~~the lobbyist has~~they have been or ~~expect~~expect to be reimbursed. The amount of expenditures for lobbying officials in the legislative branch, officials in the executive branch and constitutional officers must be reported separately;

E-1. When expenditures for the purposes of indirect lobbying exceed \$15,000 during the month that is the subject of the report, the specific dollar amount of expenditures for indirect lobbying made or incurred during the month by a lobbyist, lobbyist associate or employer, with separate totals for expenditure categories as determined by the commission, the legislative actions that are the subject of the indirect lobbying and a general description of the intended recipients;

F. ~~The total amount of expenditures by the lobbyist or~~and lobbyist associates on behalf of the employer for which they have been or expect to be reimbursed and by the employer directly to or on behalf of one or more covered officials, including members of the official's immediate family;

G. ~~For any~~each expenditure of money or anything of value made by the lobbyist or employer on behalf of a covered official or a member of the official's immediate family with a total retail value of \$25 or more, ~~the name of the official or family member~~of \$25 or more reported under paragraph E, the person making the expenditure and the date, amount and purpose of the expenditure and the name of the covered official or official's immediate family member on whose behalf the expenditure was made;

G-1. ~~The~~If the total cost for covered officials and the officials' immediate family members to attend an event paid for by the employer or by the lobbyist on the employer's behalf is \$250 or more, the date and a description of anthe event, a list of ~~all officials in the legislative branch or executive branch or members of an official's~~the names of covered officials and the officials' immediate family members in attendance and the total amount of expenditures for the event, ~~if the total amount of the expenditures for officials and family members is \$250 or more~~cost for the covered officials and the officials' immediate family members to attend the event;

H. A list of each legislative action by Legislative Document number, specific issue, nomination or other matter in connection with which the lobbyist is engaged in lobbying;

I. A list specifically identifying each legislative action for which the lobbyist ~~was~~and lobbyist associates were compensated or expectexpect to be compensated, or expended in excess of \$1,000 for lobbying activities related to those actions and a statement of the amounts compensated or expended for each; and

J. A list of all of the employer's original sources and a statement of the dollar amounts contributed or paid by the original sources to the employer. If the original source is a corporation formed under Title 13 or 13-C or former Title 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, must be listed as the original source.

Sec. 13. 3 MRSA §317, sub-§1-A is enacted to read:

1-A. Lobbyist expenditure reports. A lobbyist or lobbyist associate who makes an expenditure directly to or on behalf of a covered official or a member of the covered official's immediate family that is not reportable under subsection 1, paragraphs F, G or G-1 shall file a report pursuant to this subsection. If such an expenditure is made by a lobbying firm, a lobbyist or lobbyist associate from that lobbying firm shall report the expenditure.

A. A report under this subsection is required if:

(1) The total amount of expenditures directly to or on behalf of covered officials and their immediate family members is more than \$300 in a calendar month; and

(2) The lobbyist or lobbyist associate has not been and does not expect to be reimbursed by any employer.

B. The report must include:

(1) The date of the expenditure;

(2) The name and address of the lobbyist or lobbyist associate and lobbying firm;

(3) The amount of the expenditure made or incurred by the lobbyist, lobbyist associate or lobbying firm either directly to or on behalf of a covered official or a covered official's immediate family member;

(4) A description of the goods or services purchased by the lobbyist, lobbyist associate or lobbying firm;

(5) The date and a description and location of an event paid for by the lobbyist, lobbyist associate or lobbying firm at which covered officials and the covered officials' immediate family members were in attendance; and

(6) The names of all covered officials and their immediate family members to whom the expenditures were directly made or on whose behalf the expenditures were made or who attended an event paid for by the lobbyist, lobbyist associate or lobbying firm.

C. A report under this subsection is due no later than 11:59 p.m. on the 15th calendar day of the month following the month in which the expenditure was made or incurred.

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

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

Sec. 15. 3 MRSA §317, sub-§4, ¶B, as enacted by PL 1993, c. 446, Pt. A, §14 and affected by §20, is amended to read:

B. If the lobbyist is engaged in lobbying or if the lobbyist or employer conducts indirect lobbying or if the employer makes any expenditures directly to or on behalf of a covered official or a covered official's immediate family member 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.

Sec. 16. 3 MRSA §321, sub-§9, as enacted by PL 2017, c. 443, §5, is amended to read:

9. Reject registrations. The commission shall reject registrations that do not include certification of completion of training required under section 170-B or requests for extensions or exemptions pursuant to section 312-B.

Sec. 17. Effective date. This Act takes effect December 1, 2020.

SUMMARY

This bill clarifies a lobbyist's reporting requirement for expenditures totaling over \$300 in a calendar month made to or on behalf of covered officials when the expenditures are made by the lobbyist, a lobbyist associate or a lobbying firm without reimbursement from an employer of the lobbyist. When a lobbyist, lobbyist associate or lobbying firm makes such expenditures and does not receive or anticipate receiving reimbursement from an employer, the bill requires the lobbyist to file a separate report disclosing the expenditure. The bill defines "lobbying firm."

The bill changes registration requirements for state employees who lobby on behalf of a state department or agency. Under the current law, a department or agency is required to file a separate registration for each employee who lobbies or monitors legislation more than 20 hours in a legislative session. The bill requires a department or agency to file a single registration listing all employees designated by the department or agency to lobby or who are anticipated to lobby more than 10 hours during a legislative session.

The bill makes minor changes to clarify what information must be included in lobbyist registrations and monthly reports.

The bill expands the requirement to attend and complete an annual harassment training to include lobbyist associates.

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