

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

S.P. 351 - L.D. 1151

An Act Regarding Reporting Procedures of Lobbyists

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

Sec. 1. 3 MRSA §314, 3rd ¶, as repealed and replaced by PL 1993, c. 691, §13, is amended to read:

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. 2. 3 MRSA §315-A, sub-§2, ¶E, as amended by PL 2007, c. 630, §11, is further amended to read:

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~~

Sec. 3. 3 MRSA §315-A, sub-§2, ¶F, as enacted by PL 2007, c. 630, §11, is further amended to read:

F. A list of officials in the executive branch as defined in section 312-A, subsection 10-C; ~~and~~

Sec. 4. 3 MRSA §315-A, sub-§2, ¶G is enacted to read:

G. The monthly reports filed under section 317 and an annual summary of those monthly reports.

Sec. 5. 3 MRSA §317, sub-§2, as amended by PL 2007, c. 630, §15, is repealed.

Sec. 6. 3 MRSA §317, sub-§2-A, as enacted by PL 2005, c. 301, §4, is amended to read:

2-A. Electronic filing. Beginning January 1, 2006, a lobbyist shall file monthly session reports under subsection 1 ~~and annual reports under subsection 2~~ through an electronic filing system developed by the commission. The commission may make an

exception to this electronic filing requirement if a lobbyist submits a written request that states that the lobbyist lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted at least 10 days prior to the deadline for the first report that the lobbyist is required to file for the lobbying year. The commission shall grant all reasonable requests for exceptions.

Sec. 7. 3 MRSA §319, sub-§1, as repealed and replaced by PL 1993, c. 691, §22, is repealed and the following enacted in its place: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 every month the person fails to register or is delinquent in filing a report pursuant to section 317. If a registration or report is filed late, the commission shall send a notice of the finding of violation and preliminary penalty. The notice must provide the lobbyist with an opportunity to request a waiver of the preliminary penalty. If a lobbyist files a report required pursuant to section 317 within 24 hours after the deadline, the amount of the preliminary penalty is \$50. The commission may waive the fine or penalty in whole or in part if the commission determines the failure to register or report was due to mitigating circumstances or the fine or penalty is disproportionate to the level of experience of the lobbyist or the harm suffered by the public from the late registration or report. For purposes of this subsection, "mitigating circumstances" means:

A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the fine or penalty in whole or in part;

B. An error by the commission; or

C. Circumstances determined by the commission to warrant the waiver of the fine or penalty in whole or in part, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with this chapter, including, but not limited to, unexplained delays in Internet service.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor