

Maine's Lobbying Law

Part of a series of MANP documents created to enhance understanding of the rules and regulations governing Maine's nonprofit organizations.

Purpose

- To provide a summary of the Maine law that defines and regulates lobbying
- To encourage nonprofits to legally and effectively advocate for their missions

Note: This information is not intended to be a substitute for legal advice.

Introduction

Federal, not Maine, laws regulate how much and what type of lobbying nonprofit corporations can do. Maine Laws dictate who must register as a Lobbyist and the reporting requirements of registered Lobbyists.

Maine's Lobbying Definition

Lobbying means to communicate directly with an official in the legislative branch, an official in the executive branch or with a constitutional officer for the purpose of influencing any legislative action, or with the Governor or the Governor's cabinet and staff for the purpose of influencing the approval or veto of a legislative action when compensation or reimbursement for expenditures is made for those activities. Lobbying includes time spent to prepare and submit to the Governor, an official in the legislative branch, an official in the executive branch, a constitutional officer, or a legislative committee oral or written proposals for, or testimony or analyses concerning, a legislative action.

Under Maine law, an activity must have these four elements to count as lobbying. A lobbyist:

1. must communicate with a covered government official
2. for the purpose of influencing that official
3. regarding a legislative action
4. and must be compensated for that activity or reimbursed for related expenditures

Does lobbying include...*	
...sitting and waiting for an opportunity to communicate with Legislators?	No. Only direct communication is considered lobbying.
...monitoring legislation?	No. Attending a hearing or work session to monitor the progress of legislation is not lobbying, as long as the lobbyist does not communicate with a covered official.
...travel time to the State House or other event for the purpose of communicating with Legislators?	No.
...speaking to a Legislator about general issues of interest to the employer?	As long as the communication with the Legislator is not intended to influence the drafting or consideration of a specific legislative action, the communication is not considered lobbying.
...educational seminars for Legislators?	No, provided the seminar is to educate Legislators about the employer's business or general issues of interest and not specific legislation as outlined above.
...communicating with the employer regarding a specific LD?	If the communication is part of preparing a proposal, testimony, or analysis concerning a legislative action, the communication is lobbying. If it is for another purpose (e.g., reporting to the client on the progress of legislation), the communication is not lobbying.
...research for a specific LD?	Yes, if the research will be used for a proposal, testimony, or analysis concerning a legislative action. Otherwise, the research is not lobbying.
...communicating with staff of the Legislature?	Yes. If the communication deals with specific matters as outlined above.

* Provided by the Maine Commission on Governmental Ethics and Election Practices

Indirect Lobbying Definition

This term refers to communicating with members of the general public to solicit them to communicate with a covered official for the purpose of influencing legislative action. This covers communication made through broadcast, cable, or satellite transmission, print media, and literature sent by mail or comparable delivery service. Solicitations made by e-mail, websites and telephone do not count as indirect lobbying. Lobbyists need to include in their monthly reports any expenditures for indirect lobbying that exceed \$15,000 for that month. This only covers expenditures by the lobbyist and the lobbyist's client and does not extend to expenditures made by other persons or organizations.

Registering as a Lobbyist

“Lobbyist” is defined as any person who is specifically employed by another person for the purpose of, and who engages in, lobbying, or any person who, as a regular employee of another person, spends an amount of time in excess of 8 hours in any calendar month lobbying.

Any person acting as a lobbyist must jointly register; that is, the lobbyist and their employer must file with the office of the Commission on Governmental Ethics and Election Practices (The Commission) no later than 15 business days after the lobbyist has lobbied more than 8 hours in a calendar month. A fee of \$200 for each lobbyist (and \$100 for each Associate Lobbyist) must be paid to the Commission and the registration is for one year’s time. The Commission defines a “Lobbyist Year” as December 1st through November 30th. Any person failing to register may be assessed a fine of \$200.

Lobbyists can register and pay online on the Commission’s website, www.maine.gov/ethics, or they can file a paper registration at the Commission’s office.

Volunteers - As of September 12, 2009, anyone who lobbies on behalf of an organization on a volunteer basis is exempt from registration and reporting requirements. The bill exempts individuals who receive no compensation from the organization other than reimbursement for out-of-pocket expenditures made in connection with lobbying for in-state travel, printing, postage, and food and lodging.

Lobbyist Nametags - Lobbyists and lobbyist associates are required to wear a nametag when engaging in lobbying. The tag should include the lobbyist’s name, as well as the client’s name, the lobbyist’s firm, or the term “lobbyist”.

Contributions by Lobbyists - As of September 12, 2009, political contributions from lobbyists to political action committees closely associated with a Legislator, Governor or constitutional officer will be prohibited. The new bill amends the laws governing legislative ethics by expanding upon the prohibitions on certain campaign contributions from and solicitations of lobbyists, lobbyist associates or employers.

Lobbyist Reporting Requirements

All lobbyists must file monthly and annual reports through the Commission’s electronic filing system. The Commission will provide the lobbyist with a user code, temporary password and instructions on how to file.

Monthly Session Reports – When the legislature is in session, every registered lobbyist must file a monthly report no later than 15th of the following month via a form prescribed by the Commission.

Monthly Non-session Reports – When the Legislature is not in regular session; every registered lobbyist must file a monthly report in a fashion similar to a monthly session report if they are engaged in lobbying during any of those months, or, if a lobbyist does not expect to engage in additional lobbying through the end of the year, the lobbyist can request a non-session waiver to be exempted from the monthly reporting requirements. They are still required to file the annual report by December 30th.

Annual Reports – All registered lobbyists are required to file an annual report covering all activity during the lobbying year (December 1st – November 30th). All the information entered in the monthly reports is automatically entered into the annual report in the e-filing system. Review the information before filing for accuracy and completeness.

Late Filing Penalties – Any person failing to file a monthly report prior to the 15th of the following month, may be assessed a late fee of \$100. Any person failing to file an annual report within 30 days of the end of the “Lobbyist Year”, may be assessed a late fee of \$200.

For more information

Visit the **Ethics Commission** online

- 2009 Maine Lobbyist Handbook
http://maine.gov/ethics/pdf/publications/lob_handbook_2009.pdf
- Full list of legal definitions in Maine Statute
<http://www.maine.gov/ethics/lobbyists/definitions.htm>